

1
2
3
4 BEFORE THE HEARING PANEL OF THE
5 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
6

7 In the Matter of:) STIPULATED STATEMENT OF FACTS
8) BETWEEN PETITIONERS AND
9 County of Los Angeles Local Enforcement) RESPONDENT IN RE THE APPEAL OF
10 Agency, City of Los Angeles Local) THE CALIFORNIA INTEGRATED
11 Enforcement Agency, and North Valley) WASTE MANAGEMENT BOARD'S
12 Coalition) ACCEPTANCE AND PROCESSING OF
13) BROWING FERRIS INDUSTRIES'
14) APPLICATION FOR A SOLID WASTE
15 vs.) FACILITIES PERMIT FOR A COMBINED
16) SUNSHINE CANYON LANDFILL,
17) SYLMAR CALIFORNIA
18 California Integrated Waste Management)
19 Board, purportedly acting as Enforcement)
20 Agency,) PUBLIC RESOURCES CODE §§ 44307,
21) 44309 & 45030
22 Respondent
23
24
25
26

27 It is hereby stipulated and agreed by and between Petitioners County of Los Angeles
Local Enforcement Agency ("County LEA"), City of Los Angeles Local Enforcement Agency
("City LEA"), and North Valley Coalition on the one hand, and the California Integrated Waste
Management Board ("CIWMB"), purportedly acting as the Enforcement Agency, on the other
hand, that the following stipulated statement of facts be utilized as the evidence herein, to the
extent that the Hearing Panel deems such facts relevant and for purposes of this appeal and any
subsequent appeal to the CIWMB only, in lieu of proceeding with an evidentiary hearing in this
matter:

1. Browning Ferris Industries of California, Inc. ("BFI"), is currently the operator of two adjacent Class III Sanitary Refuse Disposal Facilities ("Landfills") located in the

1 vicinity of Sylmar, California. One Landfill (the "County Landfill") is located within
2 the unincorporated territory of the County of Los Angeles ("County"). The second
3 Landfill (the "City Landfill") is located within the jurisdictional limits of the City of
4 Los Angeles ("City").

5 2. On April 7, 1992, the Los Angeles County Board of Supervisors designated the
6 County of Los Angeles Solid Waste Management Program, currently within the Los
7 Angeles County Department of Public Health, formerly known as the Los Angeles
8 County Department of Health Services, pursuant to 14 CCR 18050 as the local
9 enforcement agency for the County of Los Angeles (the "County LEA").

10 3. The CIWMB granted the County LEA certification pursuant to California Public
11 Resources Code Sections 43200, *et. seq.*, on July 16, 1992. Since that time, the
12 County LEA has fulfilled all of its legal requirements and remains certified and in
13 good standing.

14 4. The County Landfill is currently located within the unincorporated territory of the
15 County, within the area where the County LEA was designated as LEA on July 16,
16 1992, when the CIWMB granted certification. Consequently, the enforcement
17 program plan (the "EPP") which was approved by the CIWMB as part of the
18 certification process for the County LEA includes the County Landfill.

19 5. Since 1996, BFI has conducted operations at the County Landfill pursuant to Solid
20 Waste Facilities Permit No. 19AA0853 (the "County SWF Permit"), which the
21 County LEA issued with the concurrence of the CIWMB.

22 6. In March of 1992 the City of Los Angeles City Council designated its Environmental
23 Affairs Department pursuant to 14 CCR 18050 as the local enforcement agency for
24 the City of Los Angeles (the "City LEA").

25 7. The CIWMB granted the City LEA certification pursuant to California Public
26 Resources Code Sections 43200, *et. seq.*, on August 1, 1992. Since that time, the City
27 LEA has fulfilled all of its legal requirements and remains certified and in good
standing.

8 The City Landfill is currently located within the incorporated boundary of the City
9 within the area where the City LEA was designated as LEA on August 1, 1992, when
10 the CIWMB granted certification. Consequently, the EPP for the City LEA which
11 was approved by the CIWMB as part of the certification process for the City LEA
12 includes the City Landfill.

- 1 9. The City LEA and the County LEA are in compliance with their requirements as EAs
2 under the California Integrated Waste Management Act and related regulations in the
3 CCR, including with their EPPs approved by the CIWMB and the performance
4 standards under PRC Section 43214.
- 5 10. The CIWMB has not provided any notice, public hearing, evidence, or final action
6 against either the City LEA or the County LEA pursuant to Section 18087 of Title 14
7 of the CCR.
- 8 11. Since 2005, BFI has conducted operations within the City Landfill pursuant to Solid
9 Waste Facilities Permit No. 19-AR-0002 (the "City SWF Permit"), which the City
10 LEA issued with the concurrence of the CIWMB.
- 11 12. The County and the City have provided a letter to the CIWMB stating that BFI has
12 not yet obtained final land-use approvals that would allow the Merged Operation at
13 the Landfills as BFI has yet to fulfill the Land Use Conditions of the County CUP and
14 the City Zoning Amendment.
- 15 13. The CIWMB acknowledges that it does not have any authority to grant, modify,
16 rescind or interpret land use entitlements granted by the City or the County to
17 determine whether the conditions in either the County CUP or the City Zoning
18 Amendment have been met and the CIWMB does not dispute that it has no standing
19 to challenge or contradict the City or the County's determinations, to the extent they
20 have been made, that BFI lacks final land-use approvals under the County CUP and
21 the City Zoning Amendment.
- 22 14. While the City/County are in the process of designating the SCL-LEA, the
23 designation information package has not yet been submitted by the City/County to the
24 CIWMB. Nor has the CIWMB yet approved an entity which has the authority under
25 the California Integrated Waste Management Act to act as an LEA for processing the
26 permit application for the combined City/County Landfill.
- 27 15. The CIWMB opines that a Combined SWF Permit cannot be regulated or
 administered by two separate LEAs, either independently or through an agreement
 between the two LEAs.
16. The forming of a new SCL-LEA is voluntary on the part of the City and the County:
 there is no legal requirement that obligates the City or the County to enter into the
 JPA or to form the SCL-LEA.
17. An SCL-LEA, once designated by the City and County and approved by the CIWMB,
 would administer any Combined SWF Permit and would regulate the Combined

1 Landfill. Following formation, designation and certification of the SCL-LEA, the
2 County LEA and the City LEA will continue to act as enforcement agencies in their
3 jurisdictions for all facilities except Sunshine Canyon.

4 18. Since at least the Fall of 2007, the County LEA and the City LEA have been working
5 together with staff of the CIWMB and have devoted significant resources to prepare
6 jointly the Enforcement Program Plan that would be required for any LEA by
7 California Public Resources Code Section 43209(e).

8 19. Prior to June 26, 2007, BFI informed the CIWMB of BFI's intent to submit an
9 application for a Combined SWF Permit directly to the CIWMB in the event that at
10 the time of submission no LEA exists to receive and process the application that has
11 been designated by the respective governing bodies and approved by the CIWMB.

12 20. By letter dated June 26, 2007, the CIWMB notified the City and County Local
13 Enforcement Agencies ("LEAs") that the CIWMB had been apprised by BFI of its
14 intent to file an application for a Combined SWF Permit. The CIWMB further
15 advised that it would assume responsibility for processing an application for a
16 Combined SWF Permit in the event the application for such a permit were to be filed
17 by BFI prior to the SCL-LEA being formed and completing the CIWMB certification
18 process, and that thus no LEA exists to receive and process the application. In said
19 letter the CIWMB further offered its assistance to help facilitate the City and County
20 efforts to form the SCL-LEA.

21 21. By letter dated August 2, 2007, the County LEA requested a meeting with the
22 CIWMB staff and BFI to discuss the pending application by BFI for a combined
23 landfill Solid Waste Facilities Permit ("SWFP") at Sunshine Canyon, and to discuss
24 the process by which the County and the City would establish an SCL-LEA.

25 22. By letter dated August 20, 2007, the CIWMB recognized a number of issues
26 regarding the formation of a new single, distinct LEA, and reiterated its offer to assist
27 the City LEA and the County LEA in the process. The CIWMB, BFI, and the County
28 LEA met in September of 2007 to discuss the process and the requirements to
29 establish the new SCL-LEA.

30 23. On January 8, 2008, BFI submitted to the CIWMB an application for a Combined
31 SWF Permit.

32 24. By letter dated January 15, 2008, the CIWMB acknowledged to BFI the CIWMB's
33 receipt of the application for a Combined SWF Permit. In said letter, staff of the
34 CIWMB acknowledged to BFI that it understood that submission of the application
35 was made on the basis that there is currently no LEA that can fully process a permit

1 application proposing one solid waste facilities permit for a facility spanning two
2 separate jurisdictions and, on that basis, that the CIWMB is now acting as the
3 Enforcement Agency for purposes of processing the application.

4 25. The CIWMB provided the City and the County (with ccs to their respective LEAs)
5 with a January 17, 2008, correspondence, attached hereto as "Attachment 1" (the "1-
6 17 Rauh Ltr."), detailing the CIWMB's decision to act as EA to process BFI's
7 January, 2008, application for a Combined SWF Permit.

8 26. CIWMB on the one hand, and the City and the County on the other hand, have yet to
9 enter into the agreement required under Public Resources Code Section 43310.

10 27. On February 6, 2008, BFI supplemented its January application for a Combined SWF
11 Permit to enable BFI to comply with the requirements of 27 CCR 21570. This
12 submittal contained significant amendments to the application which resulted in
13 CIWMB determining that the new materials constituted a new application.

14 28. On March 7, 2008 the CIWMB determined to accept and commence processing BFI's
15 application package pursuant to 27 CCR 21650.

16 29. The County LEA, City LEA and Regional Water Quality Control Board provided
17 comments to the CIWMB regarding the application submitted by BFI on February 6,
18 2008, , including expressing concerns with the BFI's engineering slope stability
19 analysis required of BFI by law.

20 30. The City LEA and County LEA take the position that sections 18756 and 18776
21 through 18788 of Title 14 of the CCR require that the Merged Operations meet
22 certain requirements of the local Siting Element and Summary Plan which form part
23 of the CIWMP.

24 31. Other comments included BFI's failure to meet the conformance finding
25 ("Conformance Finding") information required by 27 CCR 21570, including with
26 regard to the Los Angeles County Integrated Waste Management Plan (the
27 "CIWMP"), and including pursuant to goals, policies and procedures developed and
adopted by the Los Angeles County Integrated Waste Management Task Force (the
"Task Force") pursuant to PRC Section 40950 and relevant regulations. A true and
correct copy of correspondence to the CIWMB with comments on behalf of the
County LEA is attached hereto as "Attachment 2".

32. In a letter dated March 7, 2008 from Susan Markie, CIWMB, to Dave Hauser, BFI,
Ms. Markie stated that, with respect to matters within the jurisdiction of the RWQCB,

1 “[p]lease be aware that any revisions to the portion of the JTD overseen by the
2 RWQCB that may have an effect on portions of the JTD overseen by the EA, may
3 require amendment to the application and additional review.” In addition, the letter
4 stated that if BFI substantially changed the application in response to comments from
5 the City LEA or the County LEA or changed portions of the JTD overseen by the EA
6 in response to comments from the County Department of Public Works, then
7 “additional review may be required.”

- 8
9
10
11
12 33. The CIWMB intends to complete the processing of the application to issue the
13 Combined SWF Permit under the time line under the PRC and the CCR, unless
14 waived by BFI.

15
16
17
18
19
20
21
22
23
24
25
26
27
Staff of the CIWMB is not currently taking a position with respect to the following assertions
and, for purposes of this appeal and any subsequent CIWMB Board appeal only, the Hearing
Panel may consider these assertions as facts on appeal, to the extent they deem them relevant:

- 28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000
34. BFI desires that BFI be allowed to conduct the Merged Operations under one single
solid waste facilities permit (the "Combined SWF Permit") in lieu of the County SWF
Permit and the City SWF Permit.
35. BFI desires to operate the County Landfill together with the City Landfill as one
combined refuse facility (the "Merged Operations") in order to achieve savings based
on economies of scale in its operation as well as to obtain a significantly greater
tonnage capacity for its disposal business than is currently feasible under two separate
Landfills.
36. BFI applied for and is in the process of obtaining final approvals under County of Los
Angeles Conditional Use Permit 00-194-(5) (the "County CUP") and City of Los
Angeles Ordinance 172933 (the "City Zoning Amendment"). A true and correct copy
of the County CUP is attached hereto as "Attachment 3." A true and correct copy of
the City Zoning Amendment is hereby attached as "Attachment 4."
37. Both the County CUP and the City Zoning Amendment allow the Combined
Operations to commence if BFI is able to fulfill certain conditions (the "Land Use
Conditions") which are specified in each of the County CUP and the City Zoning
Amendment.
38. The County is the sole authority with jurisdiction over land-use matters within the
County Landfill. The County has determined that, to date, BFI has yet to fulfill its
conditions specified in the County CUP to allow BFI to operate the Joint Landfill.

- 1 39. The City is the sole authority with jurisdiction over land-use matters within the City
2 Landfill. The City has determined that, to date, BFI has yet to fulfill its conditions
3 specified in the City Zoning Amendment to allow BFI to operate the Joint Landfill.
- 4 40. The County LEA and the City LEA are working cooperatively on a Joint Exercise of
5 Powers agreement pursuant to chapter 5 (commencing with Section 6500) of Division
6 7 of Title 1 of the Government Code (the "JPA"), to form a single Sunshine Canyon
7 Landfill LEA (the "SCL-LEA") to regulate both Landfills as one and to submit to the
8 CIWMB for certification.
- 9 41. The JPA and resolution by the City Council designating the SCL-LEA as LEA was
10 approved by a vote of the Los Angeles City Council on April 25, 2008. A copy of the
11 draft JPA which was approved is attached hereto as "Attachment 5".
- 12 42. The JPA and resolution by the County Board of Supervisors designating the SCL-
13 LEA as LEA is scheduled for consideration by the Los Angeles County Board of
14 Supervisors on May 6, 2008.
- 15 43. The County LEA, City LEA and Regional Water Quality Control Board provided
16 comments to the CIWMB regarding the application submitted by BFI on February 6,
17 2008, including expressing concerns with the BFI's engineering slope stability
18 analysis required of BFI by law. BFI's consultant acknowledged the need to address
19 said concern, among others, in its April 11, 2008, matrix it provided to the City LEA,
20 at true and correct copy of which is attached hereto as "Attachment 6."

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

///

///

///

///

05-06-2008 05:31pm From-PUBLIC WORKS DIVISION

213 9877337

T-828 P.002/002 F-588

1 49 BFI is obligated to obtain a Conformance Finding as a Land Use Condition under the
2 County CUP.

3 DATED: May 6, 2008

RAYMOND G. FORTNER, JR.
County Counsel4
5 By FREDERICK W. PFAEFFLE
Principal Deputy County Counsel
Attorneys for Petitioner County of
Los Angeles Local Enforcement Agency6
7
8
9 DATED: May 6, 2008ROCKARD J. DELGADILLO
City Attorney10
11 By KEITH W. PRITSKER
Deputy City Attorney
Attorneys for Petitioner
City of Los Angeles Local Enforcement Agency12
13
14 DATED: May 6, 2008

INTEGRATED WASTE MANAGEMENT BOARD;

15
16 By STEVEN J. LEVINE
Senior Staff Counsel
Attorney for California Integrated Waste Management
Board17
18
19
20 By MICHAEL L. BLEDSOE
Senior Staff Counsel
Attorney for California Integrated Waste Management
Board21
22
23
24 DATED: May 6, 2008

NORTH VALLEY COALITION

25
26 By Kelly Smith
Attorney for North Valley Coalition

1 4. BFI is obligated to obtain a Conformance Finding as a Land Use Condition under the
2 County CUP.

3 DATED: May 6, 2008

RAYMOND G. FORTNER, JR.
County Counsel

5 By

6 FREDERICK W. PFAEFFLE
7 Principal Deputy County Counsel
8 Attorneys for Petitioner County of
Los Angeles Local Enforcement Agency

9 DATED: May 6, 2008

ROCKARD J. DELGADILLO
City Attorney

11 By

12 KEITH W. PRITSKER
13 Deputy City Attorney
14 Attorneys for Petitioner
City of Los Angeles Local Enforcement Agency

15 DATED: May 6, 2008

INTEGRATED WASTE MANAGEMENT BOARD:

16 By

17 STEVEN J. LEVINE
18 Senior Staff Counsel
19 Attorney for California Integrated Waste Management
Board

20 By

21 MICHAEL L. BLEDSOE
22 Senior Staff Counsel
23 Attorney for California Integrated Waste Management
Board

24 DATED: May 6, 2008

NORTH VALLEY COALITION

25 By

26 Kelly Smith
27 Attorney for North Valley Coalition

ATTACHMENT 1



LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD



ARNOLD SCHWARZENEGGER
GOVERNOR

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812-4025
(916) 341-6000 • WWW.CIWMB.CA.GOV

MARGO REID BROWN
CHAIR
MBROWN@CIWMB.CA.GOV
(916) 341-6051

WESLEY CHESBRO
WCHESBRO@CIWMB.CA.GOV
(916) 341-6039

JEFFREY DANZINGER
JDANZINGER@CIWMB.CA.GOV
(916) 341-6024

ROSALIE MULÉ
RMULE@CIWMB.CA.GOV
(916) 341-6016

CHERYL PEACE
CPEACE@CIWMB.CA.GOV
(916) 341-6010

GARY PETERSEN
GPETERSEN@CIWMB.CA.GOV
(916) 341-6035



January 17, 2007

Antonio R. Villaraigosa
Mayor
City of Los Angeles
City Hall
200 N. Spring Street, Room 303
Los Angeles, CA 90012

William T. Fujioka
Chief Executive Officer
Chief Executive Office
County of Los Angeles
713 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Honorable Mayor and Mr. Fujioka:

This letter is to inform you and your staff of the California Integrated Waste Management Board's (CIWMB) receipt of a permit application package from Browning-Ferris Industries of California (BFI) and the CIWMB's approach to the application. The letter also contains a detailed response to many of the issues described in the October 30, 2007 letter from Beth Jines, Assistant General Manager with the City of Los Angeles Environmental Affairs Department, and the November 15, 2007 letter from Mr. Fujioka. While many of these issues were addressed by the Board at its September 7, 2007 meeting with the County and at the November 20, 2007 meeting with all parties, given the lack of consensus at this late stage we offer the following elaboration.

On January 8, 2008, CIWMB received a solid waste facilities permit application from BFI as the owner and operator of the two Sunshine Canyon landfills located in the City and in the County of Los Angeles, which proposes to change the two present permits for the two separate landfills into one permit for the combined City/County Landfill. This letter advises that the permit application was sent to the CIWMB for processing as there is currently no Solid Waste Local Enforcement Agency (LEA) that



Antonio R. Villaraigosa

William T. Fujioka

Page 2

January 17, 2008

can fully process a permit application proposing one solid waste facilities permit for a facility spanning two separate jurisdictions, and thus the CIWMB must assume the LEA responsibilities for processing the permit.

As we stated in our October 31, 2007 letter (relating to a prior application submission subsequently withdrawn), Public Resources Code Section 43310 requires that the CIWMB confer with representatives of both the City and the County with respect to the following issues:

“(a) If the board becomes the enforcement agency, on or after January 1, 1995, the local governing body and the board shall enter into an agreement which shall identify the jurisdictional boundaries of the enforcement agency; address the powers and duties to be performed by the board as the enforcement agency, and identify an estimated workload and anticipated costs to the board. The agreement shall also identify the cost recovery procedures to be followed by the board pursuant to Section 43310.”¹

I would appreciate hearing from your offices as to who will be handling the above matter on behalf of the City and the County.

The CIWMB will continue to encourage and assist your staff to take appropriate steps toward the establishment of a new LEA entity that can fully carry out the duties and responsibilities for a landfill that spans both jurisdictions. Until a new LEA is designated and certified, the Board is statutorily required to process and, as appropriate, issue the required permit. The CIWMB has previously indicated that it is willing to establish an agreement with the LEA(s) that would allow the LEA(s) to carry out permit processing duties on behalf of the CIWMB. CIWMB would retain overall control, but the specific permitting tasks could be carried out locally by the LEA(s). When a new LEA entity is designated and certified by CIWMB, the permitting process can be transferred to it. If for some reason a new LEA is not established in time, the CIWMB would need to complete the process and issue the permit. The CIWMB will then need to take on the additional permit enforcement role for the facility. Again, when a new LEA entity is designated and certified, the permit and enforcement responsibilities for the landfill will be fully transferred from the CIWMB.

Relative to the CIWMB perspective on many of the issues raised by Ms. Jines in her October 30, 2007 letter and in the November 15, 2007 letter from Mr. Fujioka, we have the following comments.

¹ We note however, that an agreement need not be executed before the Board is obliged to assume LEA duties. Instead the statute explicitly calls for the Board to seek such an agreement “[i]f the Board becomes the enforcement agency” as required to fill the void, to assure that locally approved landfills are at all times properly regulated under the IWMA.

Antonio R. Villaraigosa
William T. Fujioka
Page 3
January 17, 2008

Land Use Entitlements

Both letters assert that certain land use conditions (particularly Qualified Conditions of Approval B(d)(1), B(d)(2) and B(d)(2)(aa) [the "Q Conditions"] imposed in connection with the City Council's approval of the rezoning of the City Landfill) require that the City-only Landfill operate at least five years before the portion of the

landfill within the jurisdiction of the City may operate as part of the combined City/County Landfill. Since that five-year period has not yet run, you believe that BFI is not entitled to operate the combined City/County Landfill.

First, let me assure you that it is not CIWMB's intent, nor have we the authority, to interpret and enforce locally-imposed land use conditions. As with all solid waste facilities, the solid waste facility permit is separate and independent from local land use restrictions and entitlements. (See, Public Resources Code §§ 40059(a) – Notwithstanding the Integrated Waste Management Act, cities and counties "may determine...(1) Aspects of solid waste handling which are of local concern, including...[the] nature, location, and extent of providing solid waste handling services." See also, Public Resources Code § 43021 – CIWMB shall develop "standards for the design, operation, maintenance and ultimate reuse of solid waste facilities, but shall not include aspects of solid waste handling or disposal which are solely of local concern.") It is clear that the owner and operator of the Sunshine Canyon landfills must comply with the separate local requirements of the City of Los Angeles and the County of Los Angeles, now and after a new solid waste facilities permit is issued. It is up to the City and County to determine BFI's compliance with local requirements, including whether BFI has the right, under local land use conditions, to operate the combined City/County Landfill upon issuance of a solid waste facilities permit for the Landfill.

The fact that the City and County make their own land use decisions, however, does not mean that an LEA having jurisdiction over the entire facility may not accept an application for, and issue, a solid waste facilities permit for the facility. From the perspective of CIWMB and the LEA, a solid waste facilities permit is wholly independent from local land use entitlements. A solid waste facilities permit is a permit to operate and is but one of a number of permits that an operator must obtain before it commences operation of a solid waste facility. Other typically necessary permits include land use entitlements, waste discharge requirements, and air pollution control district permits. It has long been CIWMB's view that LEAs may not take local land use entitlements into consideration when evaluating permit applications except to the extent they help the LEA better understand the proposed solid waste handling activities and more appropriately condition the solid waste facilities permit. In recent regulations, CIWMB deleted its requirement that operators submit copies of the use permits (if any) with their applications for solid waste facilities permits because some LEAs believed that requirement gave the LEA the authority to determine if the operator had the right, under local planning laws, to operate the proposed facility. That is a

Antonio R. Villaraigosa
William T. Fujioka
Page 4
January 17, 2008

determination to be made by the local government, not by the LEA. (See Title 27, California Code of Regulations, § 21570(f), effective April 13, 2007.) CIWMB regulations now provide that an applicant must deliver a copy of its solid waste facilities permit application to the local planning department so that the planners can determine whether any further land use entitlements are necessary in the event the LEA issues the solid waste facilities permit. (See 27 CCR § 21570(a).)

It is this latter point – the independence of the solid waste facilities permit from the local land use entitlements – that is at the core of your contentions that BFI may not apply for or receive a solid waste facilities permit because the Q Conditions would prevent the operation of the combined City/County Landfill. We agree that the City and County determine BFI's right to develop and operate the combined City/County Landfill under local land use laws. Whether or not BFI has the land use entitlements to operate the combined City/County Landfill does not preclude the LEA from receiving an application for, and issuing to BFI, a permit to operate the combined City/County Landfill. As with any other permit, however, BFI cannot operate the facility until it has all of the necessary approvals from all public agencies having jurisdiction, including land use entitlements from the City and the County, a solid waste facilities permit and all other permits.

I believe this resolves the land use concerns you raise in your letters.

The Board Act As The Enforcement Agency Of Last Resort

The Board's concerns regarding the lack of an enforcement agency able to process a permit application from the operator date back to the Spring of last year. At that time the operator advised that since it has now obtained a CUP from the County for merged operations, it was now in the process of preparing a solid waste facilities permit application for submission to the appropriate enforcement agency. This led to our June 26, 2007 letter to the City and County, advising that "the board can assume responsibility for processing the permit for the combined facility." The letter further placed the City and County on notice that the "Board would take this action if a joint LEA agreement is not formed by the City and County, or the agreement has not completed the Board's certification process and the facility applies for a combined facility permit."

Over the last half-year the Board has consistently maintained that the Waste Management Act calls for the Board to act as the enforcement agency of last resort where, among other cases, a governing body has failed to designate an

LEA. Specifically, Public Resources Code Section 43202 imposes a mandatory duty upon the Board to assume such a role: "If an enforcement agency is not designated and certified, the board, in addition to its other powers and duties, shall be the enforcement agency within the jurisdiction...."

Antonio R. Villaraigosa
William T. Fujioka
Page 5
January 17, 2008

While the specific circumstances here are unusual in that the City and County each have LEAs designated and approved within their jurisdictions, there appears to be no dispute that the required designation has yet to be made for the merged landfill, which spans both jurisdictions. Indeed, the draft Memorandum of Understanding between the City and County provided to the Board on December 10, 2007 acknowledges that "no other certified or approved entity currently exists which has the requisite authority under the Act or is otherwise approved to represent or act on behalf of either the City LEA and County LEA, individually or jointly, as a local enforcement agency for permitting the Joint Operation." (p. 2. of Memo)²

While there appears to be no dispute that the required enforcement agency designation has yet to be made by the City and County for the merged landfill, the Board's obligation to fill the "enforcement agency void" for permit application processing has been called into question. The City and County contend that since each have made designations for their respective jurisdictions, the statutory mandate has been fulfilled and thus the Board should not step in as the enforcement agency. Moreover, the City and County contend that the enforcement agency impasse created by the failure to date of the two governing bodies to designate an LEA for the merged landfill can theoretically extend into perpetuity, effectively precluding the landfill from ever merging unless and until the impasse is broken.

The above position of the City and County is contrary to statutory intent. Clearly governing bodies play integral roles in the formation of landfills within their jurisdictions through, among other means, their conditional use permit process.

However, once an operator has gone through all of the hurdles of obtaining local jurisdictional consent for formation, State law assures that there is a mechanism for putting an agency in place to enforce the permit, to assure that any potential void presented by the lack of a local designation does not arise.

Here the issue at hand was not formally raised by the operator until it had obtained the required consent for formation from both the City and subsequently the County in early 2007. Indeed, given the many years the operator has pursued authority from the local jurisdictions to form the merged landfill, it is unfortunate that time was not

² This is further demonstrated by the inability of the jurisdictions to fulfill the designation process set forth in the Regulations without creating a new LEA: (a) When the City and County first designated its respective local agencies, their Notices of Designation included "an enumeration of every solid waste facility ... in the jurisdiction including permitted ... facilities." (14 CCR 18051(h).); (b) Moreover, when the City and County submitted their respective EPPs, their plans included "a comprehensive list of all types of solid waste facilities... within the jurisdiction." (14 CCR 18077(a) (6).); (c) Thus in approving the City's Notice of Designation and EPP, the Board approved its jurisdiction over the City's "Sunshine Canyon" landfill, and in approving the County's Notice of Designation and EPP, the Board approved its jurisdiction over the County's "Sunshine Canyon" landfill (which each have separate SWIS numbers); and (d) With respect to the proposed merged landfill, upon the Boards approval of the new permit the City and County will be required to amend their EPPs to reflect the elimination of the current City and County landfills from their respective EPPs. Finally, the City and County will further be required to submit a new notice of designation and EPP for a new jurisdiction for the merged landfill. (See, e.g., 14 CCR 18081(e)(4): "The components of the EPP shall be reviewed and amended by the LEA...to reflect any changes. The amended components shall be submitted to the board for approval.").

Antonio R. Villaraigosa
William T. Fujioka
Page 6
January 17, 2008

concurrently utilized to form the new LEA for the bi-jurisdictional landfill. Nevertheless, now that the operator has obtained such local permission, we do not concur that it can be precluded from actually forming the merged landfill solely on the basis that the two jurisdictions are apparently having difficulty coming to terms on the LEA designation process. This "enforcement agency void" is precisely what the Board is obliged to fill unless and until a local designation is made and approved by the Board.

Based on the foregoing, the Board has fulfilled its obligation to step in as the enforcement agency during the brief period the operator had pending a submitted permit application, and stands ready to meet its obligations yet again should the operator reapply before a local LEA is designated and approved. As always, the Board is prepared to enter into an agreement with the City and County in accordance with PRC Section 43310.1 as offered by the Board in its October 31, 2007 letter. We note however, that an agreement need not be executed before the Board is obliged to assume LEA duties. Instead the statute explicitly calls for the Board to seek such an agreement "[i]f the Board becomes the enforcement agency" as required to fill the void, to assure that locally approved landfills are at all times properly regulated under the IWMA.

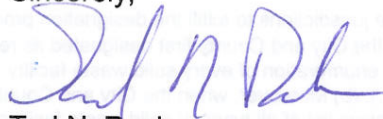
Sole LEA vs. Two LEAs Apportioning Duties Issue

As you are aware, the Board had earlier been concerned over the apparent intent to form the new LEA in a manner which is not consistent with regulatory intent, in that it essentially apportioned the new LEA duties and responsibilities between the existing County and City LEAs, rather than creating a new sole, independent and separate LEA. We are pleased that the Draft MOU now references the formation of a sole, separate, independent LEA, consistent with regulatory intent.

We hope this notice and explanation of our perspective on the issues is of assistance to you. By separate letter to the City and County LEAs we have suggested avenues to maximize your participation in the processing of the combined permit. The CIWMB staff will provide LEA staff with up dates and notices regarding the permit process and will seek their input at every opportunity.

Please contact me at 916-341-6502 or at trauh@ciwmb.ca.gov if you have questions for concerns. Thank you.

Sincerely,



Ted N. Rauh
Program Director
Waste Compliance and Mitigation Program

Cc: LA City LEA
LA County LEA

ATTACHMENT 2



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

DEAN D. EFSTATHIOU, Acting Director

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE:

March 4, 2008

EP-2

Mr. Dave Hauser
General Manager
Browning-Ferris Industries, Inc.
14747 San Fernando Road
Sylmar, CA 91342

Dear Mr. Hauser:

REVIEW OF JOINT TECHNICAL DOCUMENTS FOR THE COMBINED SUNSHINE CANYON CITY/COUNTY LANDFILL

We reviewed the documents listed below for compliance with the requirements of Conditional Use Permit 00-194-(5) (CUP) for the County portion of the Sunshine Canyon City/County Landfill that are within the purview of the Department of Public Works as they relate to fill sequencing, geology, geotechnical, and hydrology/hydraulic, closure & post-closure maintenance requirements:

- Joint Technical Document, Sunshine Canyon City/County Landfill, Volumes I, II, and III, dated November 2007, prepared by Bryan A. Stirrat & Associates, Inc.
- Response to Comments Regarding Gas Control Plan for the Application for SWFP for Sunshine Canyon City/County Landfill, dated February 7, 2008, prepared by Bryan A. Stirrat & Associates, Inc.

It is our determination that the information provided does not fully comply with the requirements of the County's CUP. The following comments are provided and need to be addressed.

GENERAL

1. In Section A.2.1.2, proposed Design Features, provide a discussion on the net remaining disposal capacity and total disposal capacity of the site expressed in tonnage as of May 19, 2007.

2. In Section A.2.1.2, proposed Design Features, verify the accuracy of the total landfill acreage for the combined City/County Landfill, which is stated as 379 acres.
3. In Section B.3.7.9, include a discussion to clarify whether collected leachate from the City portion of the landfill may or may not be discharged into the landfill mass. If the discharge is not permitted, explain why it is permitted on the County-side and not on the City-side.
4. In Section B.3.7.14, Trash Roll-Off Boxes, revise this section to clarify the use of bins and roll-off containers stored on-site. Is the bin and roll-off container storage at the site related to landfilling activity only or are the bins and containers being stored for use by other enterprises owned by the operator, such as a waste hauling business?
5. In Table 23, Sunshine Canyon City/County Landfill Volumetric Capacity Summary, add a column showing equivalent tonnage for all data shown.
6. In Drawing 5, Sunshine Canyon Landfill JTD 2007 Existing Site Plan, the elevations shown as existing grades are the same as the proposed final elevations in Drawing 3, Sunshine Canyon Landfill JTD 2007 Final Grading Plan. Revise Drawing 5 to show the existing elevations of the site.
7. Pursuant to the County's CUP, BFI must submit and obtain Public Works prior approval for the proposed fill sequencing plan, cell developments, and airspace-usage-by-year analysis (in cubic yards and tons) for a ten year period that is consistent with the proposed development of the combined Sunshine Canyon City/County Landfill.
8. Provide verification and certification by a licensed surveyor that the installed survey monuments are in place as approved by Public Works on November 29, 2007 (copy enclosed), and installed along the Phase V area perimeter. Pursuant to Condition 18 of the County's CUP, the existing survey monuments approved by Public Works and installed along the perimeter of the County Project, as defined, can only be removed or disturbed upon Public Works' prior approval and verification that BFI has fulfilled the County's CUP requirements for operating a combined Sunshine Canyon City/County Landfill (refer to the County Chief Executive Officer's letter dated November 15, 2007(copy enclosed)). In Drawing 9, Sunshine Canyon Landfill JTD 2007 Phase CC-1 Excavation, a note should be added indicating that the proposed excavation requires prior approval of Public Works.

9. Pursuant to Condition 40 of the County's CUP, provide evidence that all testing and remedial actions required by the California Regional Water Quality Control Board to detect, prevent, and/or correct groundwater contamination and landfill gas leakage into the subdrain system has been completed to the satisfaction of the Water Quality Control Board.

CLOSURE/POSTCLOSURE MAINTENANCE PLAN

10. In Section F.1.4, Demonstration of Financial Responsibility, Closure/Postclosure Maintenance Fund, the section only discusses financial assurance for the City portion of the landfill. Revise to include a discussion and associated evidence of financial assurance for closure and postclosure maintenance for the County portion of the landfill consistent with the requirements of the County's CUP.
11. In Section F.1.4, Demonstration of Financial Responsibility, Closure/Postclosure Maintenance Fund, provide an updated Table 18, Closure Cost Estimate, and Table 19, Postclosure Cost Estimate, based on current State regulations and reflect the proposed build-out sequence of the County portion (i.e. considering the total waste in-place and subsequent tonnage for each year) and proposed final build-out design for the ultimate City/County Landfill.
12. In Part E, Preliminary Closure and Postclosure Maintenance Plan, revise the plan to show the maintenance of the site in perpetuity pursuant to CUP Condition 32, and show evidence of financial assurance.

HYDROLOGY

The drainage pattern shown in the current hydrologic analysis for the Sunshine Canyon Landfill is not consistent with the 2006 JTD hydrology study. The current JTD report proposes the removal of Sedimentation Basin C in the County portion of the landfill. Based on the existing drainage system in the landfill, all surface flows from the County portion of the landfill are conveyed from the upstream basins A and D to basin C. The flows are routed through basin C and the outflow is conveyed to the Terminal Sedimentation Basin in the City of Los Angeles portion of the landfill.

The removal of Basin C will result in major changes in the landfill's drainage pattern. The new hydrologic analysis for the landfill performed by Questa Engineering Corporation is not consistent with the proposed drainage pattern and drainage conveyance structures shown in the current JTD. As an example, the peak outflow calculated for Basin A in the current JTD is 479 cubic feet per second (cfs). The proposed Channel 2, which conveys the peak outflow from Basin A directly to the Terminal Basin, is shown on the hydrologic map to have a capacity of only 147 cfs.

In order for this Department to properly review the current hydrologic analysis for the landfill, please provide the following hydrologic maps, data, and electronic files:

13. Hydrologic map showing the subbasins delineation and hydrologic design data for the Terminal-B drainage area of the landfill (see Table 1, Appendix J of the JTD).
14. Hydrologic map showing the subbasins delineation for the entire Sunshine Canyon Landfill. The map should show how the different subbasins connect with each other and the sedimentation basins, and the paths through which surface flows from the landfill are conveyed to the Terminal Basin.
15. Electronic files and hard copies of the input and output parameters from the "CivilDesign LAR04" Modified Rational Method (MODRAT) computer program used in the hydrologic analysis.
16. Electronic files and hard copies of the input and output parameters from the "HEC-HMS" computer program used in the reservoir routing analyses. Also, provide the stage-storage-discharge tables for the existing and proposed sedimentation basins in the landfill.

GEOTECHNICAL ENGINEERING

17. Provide an updated geotechnical report that addresses the latest landfill design as presented in the current JTD. The report must provide, but not be limited to, updated slope stability analyses of all proposed final refuse slopes per the requirements set forth in Title 27 of the California Code of Regulations. Also, provide a geologic cross section for each section analyzed showing the critical failure plane used in the analyses. Show locations of the cross sections used in slope stability analyses on the geologic map. Recommend mitigation if factors of safety are below minimum standards.
18. The plans indicate that the proposed work is self-contained within the landfill property lines. The consulting geotechnical engineer and engineering geologist of record must provide a statement in conformance with Section 111 of the Los Angeles County Building Code indicating that the proposed grading will have no adverse effect on offsite property.

Neither the surficial stability of the final cover slopes shallower than 2:1 (H:V) nor the potential deformation on the final cover was included in the scope of this review since it will be addressed by other agencies.

Mr. Dave Hauser
March 4, 2008
Page 5

Per the JTD, additional slope stability analyses for excavated interim slopes will be completed as required as individual phases and subphases are designed and submitted for review and approval.

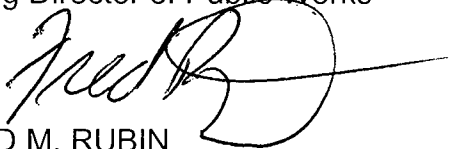
OTHER

19. Pursuant to Condition 6 of the County's CUP, and as required by the Los Angeles County Countywide Siting Element, prior to operation of the City/County Landfill, BFI must obtain (and submit to Public Works evidence of) a "Finding of Conformance" determination by the Los Angeles County Integrated Waste Management Task Force that the proposed project is consistent with the Siting Element.

If you have any questions, please contact Mr. Martin Aiyetiwa of this office at (626) 458 3553, Monday through Thursday, 7 a.m. to 5:30 p.m.

Very truly yours,

DEAN D. EFSTATHIOU
Acting Director of Public Works



FRED M. RUBIN
Assistant Deputy Director
Environmental Programs Division

LL:kp

P:\Sec\Sunshine Canyon Landfill City-County.DPW-BFI.doc

Attach.

cc: Los Angeles County Chief Executive Office (Dorothea Park, Burt Kumagawa)
Los Angeles County Department of Public Health (Iris Aguirre, Gerry Villalobos)
Los Angeles County Department of Regional Planning (Frank Meneses)
California Integrated Waste Management Board (Mark Leary, Mark Be Bie)
California Regional Water Quality Control Board (Rod Nelson)



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

DONALD L. WOLFE, Director

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

November 29, 2007

IN REPLY PLEASE REFER TO FILE: **EP-2**

Mr. Dave Hauser
General Manager
Browning-Ferris Industries
14747 San Fernando Road
Sylmar, CA 91342

Dear Mr. Hauser:

SUNSHINE CANYON LANDFILL-COUNTY EXTENSION CONDITIONAL USE PERMIT NO. 00-194(5)

We have reviewed the enclosed drawing entitled "Sunshine Canyon Landfill, As-Built Drainage and Grading Limits, Revision No. 1," dated October 2, 2007, pursuant to Condition 35 and Implementation and Monitoring Program, Part I, Condition A of the Landfill's Conditional Use Permit No. 00-194(5)

We have verified that the survey monuments have been installed to our standards. Therefore, the survey monuments identified on the drawing are approved.

If you have any questions, please contact Martins Aiyetiwa of this office at (626) 458-3553, Monday through Thursday, 7 a.m. to 5:30 p.m.

Very truly yours,

DONALD L. WOLFE
Director of Public Works

Carlos Ruiz

CARLOS RUIZ
Assistant Division Engineer
Environmental Programs Division

LL:cw
P:\Sect\SCL CUP Survey Monuments.doc

Enc.



BK

County of Los Angeles CHIEF EXECUTIVE OFFICE

713 KENNETH HAHN HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

November 15, 2007

David Hauser, General Manager
Browning-Ferris Industries (BFI)
Sunshine Canyon Landfill
14747 San Fernando Road
Sylmar, CA 91342

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

Dear Mr. Hauser:

SUNSHINE CANYON LANDFILL PROPOSED SOLID WASTE FACILITY PERMIT FOR A COMBINED CITY/COUNTY LANDFILL OPERATION

On October 19, 2007 and on October 31, 2007, the California Integrated Waste Management Board (CIWMB) sent letters to the Board of Supervisors and my Office, respectively, related to the CIWMB's decision to accept and process a Solid Waste Facilities Permit (SWFP) application from Browning Ferris Industries (BFI) for the combined Sunshine Canyon Landfill (SCL) within the jurisdictions of the City of Los Angeles (City) and County of Los Angeles (County). Based on those letters, there seems to be a misunderstanding as to the requirements and timing associated with a combined City/County landfill. As described more fully in this letter, the County has determined that the application for the combined operation is premature at this point because BFI does not currently have the necessary local approvals, including land use approvals, to begin the operation of a joint City/County landfill.

City/County Landfill Requirements

Based on the Replacement Conditional Use Permit 00-194-(5) (RCUP) granted by the County Board of Supervisors on February 6, 2007, there are a number of requirements that BFI must meet prior to operating a combined City/County landfill. Below are the key RCUP requirements:

1. Approval from the City of Los Angeles to Proceed to Phase II
 - Several sections of the RCUP articulate that the combined landfill operation (the "City/County Project") commences with the City's approval of Phase II (as stipulated under the City Land Use Zoning Ordinance 172933, Qualified Conditions of Approval [Q] Section B.2.d). According to the RCUP, Phase II will commence after the City-only landfill has operated for five years and satisfied certain other conditions, and the approvals for Phase II are necessary before any combined operation can take place.

- Under Condition 1.K of the RCUP, the combined landfill operation or the "City/County Project" is clearly defined as "the activities of the combined City/County landfill conducted in either or both the City and County jurisdictions, the ultimate development of which is depicted on Exhibit 'A-2' of this grant and on Exhibit 'E-4B' of the City Ordinance....and which is generally referred to in the City Ordinance as Phase II and Phase III. The City/County Project includes the combined City/County landfill, its Ancillary Facilities and activities within the County's jurisdiction as approved by this grant, and the combined City/County landfill, ancillary facilities and activities within the City's jurisdiction as approved by the City Ordinance...." [Emphasis added]
- Under the definition of "County Project" in Condition 1.V of the RCUP, there is further clarification that the "County Project includes activities conducted within the County's jurisdiction prior to the commencement of the City-approved Phase II." [Emphasis added]
- Condition 18 of the RCUP requires BFI to diligently pursue and obtain all approvals necessary to develop and operate the City/County Project as defined in Condition 1.K. In the event that such approvals are not granted, the County Landfill is precluded from combining with the City Landfill and will cease operation when the limits of fill in Exhibit A-1 of the RCUP and portions of the bridge area authorized by the Director of Public Works, have reached capacity.

2. Public Works' Approval of a Fill Sequencing Plan for the Combined Landfill

Condition 18 of the RCUP requires prior approval of a fill sequencing plan by the County Director of Public Works for all landfill operations within the County's jurisdiction, including that portion of the City/County Project within the County jurisdiction. The SWFP application and associated Joint Technical Document (JTD) submitted to the CIWMB includes a fill sequencing plan that has not been approved by the Director of Public Works.

3. County's Technical Advisory Committee (TAC) Certification of Compliance

Part XII.B of the Implementation and Monitoring Program ensures compliance with the RCUP, and complements the enforcement and monitoring programs administered by the County. BFI is required to obtain from the TAC a certification of compliance with the RCUP prior to development of the City/County Project.

4. Revenue Allocation Agreement

Condition 64 of the RCUP requires a revenue allocation agreement prior to operating as a City/County Project.

David Hauser
November 15, 2007
Page 3

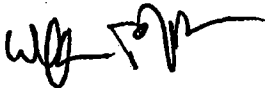
Additional RCUP Requirement

The RCUP requires County approval of the Closure and Post-Closure Maintenance Plan. Conditions 1.O and 1.RR, which define Closure Plans and Post-Closure Maintenance Plans require plan approval of a Closure or partial final closure plan, as well as a Post-Closure Maintenance Plan by the TAC to protect public health and safety and the environment. The JTD submitted for the SWFP includes a preliminary closure and post-closure maintenance plan that has not been approved by the County's TAC.

It is our understanding that BFI does not currently have the necessary permits and approvals for Phase II and the fill sequencing plan, closure plan and post-closure maintenance plan, the TAC's certification of compliance, and an executed revenue allocation agreement and, therefore, according to the RCUP, it is not yet possible to begin joint operations.

If you have any questions, please contact Lari Sheehan, Deputy Chief Executive Officer at (213) 893-2477, or via e-mail at lsheehan@ceo.lacounty.gov.

Sincerely,



WILLIAM T FUJIOKA
Chief Executive Officer

WTF:LS
DSP:BK:os

c: Supervisor Gloria Molina, First Supervisorial District
Supervisor Yvonne B. Burke, Second Supervisorial District
Supervisor Zev Yaroslavsky, Third Supervisorial District
Supervisor Don Knabe, Fourth Supervisorial District
Supervisor Michael D. Antonovich, Fifth Supervisorial District
Dr. Jonathan E. Fielding, Director and Health Officer of Public Health
Raymond G. Fortner, Jr., County Counsel
Bruce W. McClendon, Director of Regional Planning
Donald L. Wolfe, Director of Public Works
Margo Reid Brown, Chair, California Integrated Waste Management Board
Ted N. Rauh, California Integrated Waste Management Board

ATTACHMENT 3



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer-
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

At its meeting held February 6, 2007 the Board took the following action:

25

The following item was called up for consideration:

County Counsel's recommendation to indicate that the Board has read and considered the Final Environmental Impact Report, Supplemental Environmental Impact Report and Addendum prepared for the project; certify that the Addendum has been completed in compliance with the California Environmental Quality Act, and the State and County Guidelines related thereto; and reflects the independent judgment of the Board; adopt findings and conditions approving Conditional Use Permit Case No. 00-194-(5), to authorize the continued operation of the Sunshine Canyon Landfill, a Class III non-hazardous solid waste landfill facility, and modifications to previously approved Conditional Use Permit Case No. 86-312-(5), to increase daily solid waste intake from 6,000 tons per day to 12,100 tons per day increasing the weekly intake from 36,000 to 66,000 tons and increase the working face area from two to three acres for a total of approximately 10 acres; and to update conditions associated with the permit for consistency with conditions approved by the City of Los Angeles, located at 14747 San Fernando Road, Newhall Zoned District, applied for by Dave Edwards on behalf of Browning Ferris Industries, Inc.

Dave Edwards, representing Browning Ferris Industries, Inc., Nicole Bernson representing Los Angeles City Councilman Greig Smith, Michael Tou representing Congressman Brad Sherman, Jan Chatten-Brown representing the North Valley Coalition and others addressed the Board.

After discussion, Supervisor Antonovich made a motion, seconded by Supervisor Yaroslavsky, that the Board deny the attached findings, conditions and order relating to Conditional Use Permit Case No. 00-194-(5), Newhall Zoned District, applied for by David Edwards on behalf of Browning Ferris Industries, Inc. Said motion failed to carry by the following vote: Ayes: Supervisors Antonovich and Yaroslavsky; Noes: Supervisors Molina, Burke and Knabe.

(Continued on Page 2)

After further discussion, Supervisor Molina made an amendment, seconded by Supervisor Burke, and unanimously carried, to add additional language to the Implementation and Monitoring Program, Part XII, Subsection E, to read as follows:

- Upon the effective date of this grant, the TAC shall retain the services of an independent consultant to monitor any and/or all of the Conditions and mitigation measures of this grant for a minimum of five years. After the commencement of City/County Project operations, it is anticipated that a single independent consultant, jointly chosen by the County and City, will monitor the conditions and mitigation measures of this grant and the City Ordinance, pursuant to a Joint LEA Agreement. However, if a single consultant is not retained for the City/County Project, or the City/County Project does not go forward, the Director of the Department, upon recommendation by the TAC, may continue to retain such services of an independent County consultant as necessary throughout the life of this grant. The Permittee shall pay all costs for the independent consultant within 30 days of receiving the invoice for the consultant's services.

On motion of Supervisor Burke, seconded by Supervisor Molina, duly carried by the following vote: Ayes: Supervisors Molina, Burke and Knabe; Noes: Supervisors Antonovich and Yaroslavsky, the Board took the following actions:

1. Considered the Final Environmental Impact Report, Supplemental Environmental Impact Report and Addendum prepared for the project; certified that the Addendum has been completed in compliance with the California Environmental Quality Act, and the State and County Guidelines related thereto; and reflects the independent judgment of the Board and approved the Addendum; and

(Continued on Page 3)

25 (Continued)

2. Adopted the attached findings and conditions and order approving Conditional Use Permit Case No. 00-194-(5), with the following additional language added to the Implementation and Monitoring Program, Part XII, Subsection E:
 - Upon the effective date of this grant, the TAC shall retain the services of an independent consultant to monitor any and/or all of the Conditions and mitigation measures of this grant for a minimum of five years. After the commencement of City/County Project operations, it is anticipated that a single independent consultant, jointly chosen by the County and City, will monitor the conditions and mitigation measures of this grant and the City Ordinance, pursuant to a Joint LEA Agreement. However, if a single consultant is not retained for the City/County Project, or the City/County Project does not go forward, the Director of the Department, upon recommendation by the TAC, may continue to retain such services of an independent County consultant as necessary throughout the life of this grant. The Permittee shall pay all costs for the independent consultant within 30 days of receiving the invoice for the consultant's services.

04020607_25

Attachment

Copies distributed:

Each Supervisor
County Counsel
Director of Planning
Director of Public Works
Dave Edwards
Nicole Bernson
Michael Tou
Jan Chatten-Brown



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer-
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

County Counsel
Acting Director of Planning

At its meeting held June 7, 2006, the Board took the following action:

68

At the time and place regularly set, notice having been duly given, the following item was called up:

De novo hearing on Conditional Use Permit Case No. 00-194-(5), and Addendum to Final Environmental Impact Report and Final Subsequent Environmental Impact Report, to authorize the continued operation of the Sunshine Canyon Landfill, a Class III non-hazardous solid waste landfill facility, and modifications to previously approved Conditional Use Permit Case No. 86-312-(5), to increase daily solid waste intake from 6,000 tons per day to 12,100 tons per day increasing the weekly intake from 36,000 to 66,000 tons and increase the working face area from two to three acres for a total of approximately 10 acres; and to update conditions associated with the permit for consistency with conditions approved by the City of Los Angeles, located at 14747 San Fernando Road, Newhall Zoned District, applied for by Dave Edwards on behalf of Browning Ferris Industries, Inc., as further described in the attached letter dated December 21, 2005, from the Director of Planning. (Appeal from Regional Planning Commission's denial)

All persons wishing to testify were sworn in by the Executive Officer of the Board. Frank Meneses and Maria Masis, representing the Department of Regional Planning testified. Opportunity was given for interested persons to address the Board. David Edwards, representing Browning Ferris Industries, Inc., Juan Noguez, Mayor of the City of Huntington Park, Gregory Nordback, Councilmember of the City of Whittier, Michael Tou, representing Congressman Brad Sherman, Wayde Hunter, representing the North Valley Coalition, Dr. Wayne Aller, representing Sunshine Canyon Landfill, and others addressed the Board. Written correspondence was presented.

(Continued on Page 2)

The following statement was entered into the record for Supervisor Antonovich:

“Residents in Granada Hills have suffered with the adverse impacts of living adjacent to the Sunshine Canyon Landfill for decades. Impacts associated with truck traffic, debris blowing into their neighborhoods, fumes, and other adverse impacts are well-documented in the public record. Concerns amongst my constituents about cancer rates and property values are understandable.

“There is broad opposition above and beyond local residents represented by the North Valley Coalition. This includes environmental groups, organized labor, elected officials, and many others.

“On a regional basis there is a question of fairness in terms of where trash is disposed. There is a high likelihood that trash generated in Los Angeles County will be disposed of in a landfill in the Fifth District. The Fifth District is host to several landfills in addition to Sunshine Canyon. These include Chiquita Canyon Landfill in Santa Clarita, Lancaster Landfill and Palmdale Landfill in the Antelope Valley, and smaller facilities such as Scholl Canyon in Glendale. While I recognize that Puente Hills is the largest landfill in the County, the intake at Puente Hills is less than the combined intake at all of the landfills in the Fifth District.

“The County’s General Plan specifically states that ‘the regional need should not outweigh the impact on the community.’ The Regional Planning Commission conducted five separate public hearings. The Commission heard extensive public testimony and reviewed volumes of information, and concluded that the requested Conditional Use Permit does not meet the stated criteria in the County’s General Plan. The Commission findings identify concerns both about the lack of a closure date and traffic impacts that have not been mitigated to acceptable levels. The Commission concluded that the applicant had not met the Burden of Proof. Today’s testimony does not present any additional information demonstrating that the Burden of Proof has been met.”

(Continued on Page 3)

Therefore, Supervisor Antonovich made a motion, seconded by Supervisor Yaroslavsky, that the Board:

1. Close the public hearing;
2. Signify its intent to affirm the decision of the Regional Planning Commission denying Conditional Use Permit Case No. 00-194-(5);
and
3. Instruct County Counsel to draft findings for denial.

Said motion failed to carry by the following vote: Ayes: Supervisors Yaroslavsky and Antonovich; Noes: Supervisors Molina, Burke and Knabe.

Supervisor Knabe made a motion for the Board to close the public hearing; and indicate its intent to approve Conditional Use Permit Case No. 00-194-(5), which replaces current Conditional Use Permit No. 86-312-(5) based on the Regional Planning Commission's recommended conditions, with the following revised closure language to be added to draft Condition 13:

- Assuming that a joint City/County landfill has become operational and the applicant has not otherwise exhausted the available landfill capacity as set forth in the permit, during the year following the 30th anniversary of this grant, the Board of Supervisors shall authorize a study to determine the remaining capacity authorized by this permit for the landfill. Premised upon the study's findings the Board of Supervisors will establish a date certain for the termination of the receipt of solid waste at the landfill. In no event shall that date exceed the 40th year of this grant.

After discussion, Supervisor Burke offered a suggestion that Supervisor Knabe's recommendation be amended to authorize a study during the year following the 25th anniversary of the grant, and in no event should the closure that date exceed the 30th year from the date of the grant. Supervisor Knabe accepted Supervisor Burke's amendment.

(Continued on Page 4)

The following statement was entered into the record for Supervisor Antonovich:

“Residents of Granada Hills have suffered with the adverse impacts of living adjacent to the Sunshine Canyon Landfill for decades. Impacts associated with truck traffic, debris blowing into their neighborhoods, fumes, and other adverse impacts are well-documented in the public record. Concerns amongst my constituents about cancer rates and property values are understandable.

“Perhaps no question is more important than that of a closure date. The County permit for the Puente Hills Landfill requires closure in 2013. The County permit for the Chiquita Canyon Landfill requires closure in 2019. Given projections by the Department of Public Works concerning when Sunshine Canyon will reach capacity, the Board should adopt a closure date of 20 years from the date of our final Board action.

“Additionally, portions of the Landfill are within the jurisdiction of the City of Los Angeles. Some residents are concerned about discrepancies between City and County conditions of approval. There is a simple solution: the condition that would result in greater protection for the surrounding community should apply. The operator is now accepting trash in the City portion of the Landfill and is complying with City regulations. The operator has complied with County regulations for years and is not objecting to the proposed conditions recommended by County staff. The operator can and should comply with the strictest conditions, regardless of whether the operator is working on one or the other side of a political boundary. Again, the primary obligation of this Board is to provide the greatest protection for the surrounding community.

“It is essential that we adopt a closure date and address potential discrepancies with City conditions. Additional recommended changes to conditions should also be included to further protect local residents living near the Landfill.”

(Continued on Page 5)

Therefore, Supervisor Antonovich offered a suggestion that Supervisor Knabe's recommendation be amended to stipulate a 20 year closure date of 2026; and direct County Counsel to incorporate the following further revisions into the draft conditions of approval for the Sunshine Canyon Landfill as follows:

- Require double liners.
- Revise Condition 35 to require, at a minimum, a double liner for the County side of the Landfill, consistent with the requirements of the Los Angeles Regional Water Quality Control Board. Any existing requirements, as well as future requirements that may be imposed by the Regional Water Quality Control Board on the City side of the Landfill relative to a liner or liners, shall be implemented and installed on the County side of the Landfill. Nothing in this condition shall preclude a liner or liners that are more protective than that required for the City portion of the Landfill, if so required by the Water Quality Control Board.
- Add a new condition to read: "Wherever there is a discrepancy between conditions in County Conditional Use Permit No. 00-194-(5) and City of Los Angeles City Ordinance 172933 (or its successors or equivalent discretionary land-use approval), the condition that would result in greater protection for the surrounding community shall apply. If, following approval, the County Local Enforcement Agency (LEA) determines that there are remaining discrepancies between City and County conditions that will cause operational or oversight difficulties, those discrepancies shall be resolved through the required JPA between the City and County. All discrepancies identified at any time during the life of the grant, including all post-closure activities, shall be resolved in favor of the condition that the County LEA determines offers the greater protection to the community." Staff shall be directed to incorporate into the final conditions, specifically, the stricter City conditions relative to alternate fuel requirements, hours of operation, the Community Protection Program relative to public notice and emergency hot-lines, and prohibiting intake of certain specified cover materials.
- Revise any and all conditions, where appropriate, to conform to the new definition of "Closure Date."

(Continued on Page 6)

- Revise the conditions to prohibit the Director of Public Works or any other County employee from authorizing any activity that would in any way constitute an extension of the Closure Date.
- Revise the definition of “Landfill” in Condition 1 to clarify that the operator may not stockpile dirt above final elevations.
- Revise Conditions 11 and 12 to require that the operator correct all violations as soon as possible, in a time and manner determined by the Acting Director of Planning, but in no instance longer than 30 days.
- Revise the definition of “Landfill” in Condition 1 to clarify that the operator may not stockpile dirt above final elevations.
- Revise Condition 17-c to restrict overages to no more than 313 days during the term of the permit.
- Revise Conditions 54, 56 and 57 to require that these public improvements shall be installed to the satisfaction of the Director of Public Works.
- Revise Condition 62 to indicate that funds for planning studies and implementation shall be determined by the Acting Director of Planning and the Fifth Supervisorial District.
- Add a new condition requiring the operator to comply with all future applicable State laws concerning post-closure of landfills.
- Add a new condition to require video monitoring at the working face and at vehicle inspection locations, and to maintain video records for a period of not less than one year.

After discussion, there was a division of the question of Supervisor Antonovich’s amendment to Supervisor Knabe’s recommendation, to address his request to establish a 20 year closure date of 2026.

On motion of Supervisor Antonovich, seconded by Supervisor Yaroslavsky, said motion to establish 20 year closure date of 2026, failed to carry by the following vote: Ayes: Supervisors Yaroslavsky and Antonovich; Noes: Supervisors Molina, Burke and Knabe.

(Continued on Page 7)

Supervisor Yaroslavsky offered a suggestion, seconded by Supervisor Antonovich, that Supervisor Knabe's aforementioned recommendation be amended to authorize a study at 20 years with a closure date of 25 years. Said motion failed to carry by the following vote: Ayes: Supervisors Yaroslavsky and Antonovich; Noes: Supervisors Molina, Burke and Knabe.

Supervisor Knabe called for the question on his aforementioned recommendation as amended by Supervisor Burke.

On motion of Supervisor Knabe, with Supervisor Burke's suggested revision, seconded by Supervisor Burke, duly carried by the following vote: Ayes: Supervisors Molina, Burke and Knabe; Noes: Supervisors Yaroslavsky and Antonovich, the Board approved the following revised closure language to be added to draft Condition 13 as follows:

- Assuming that a joint City/County landfill has become operational and the applicant has not otherwise exhausted the available landfill capacity as set forth in the permit, during the year following the 25th anniversary of this grant, the Board of Supervisors shall authorize a study to determine the remaining capacity authorized by this permit for the landfill. Premised upon the study's findings the Board of Supervisors will establish a date certain for the termination of the receipt of solid waste at the landfill. In no event shall that date exceed the 30th year of this grant.

Supervisor Antonovich made a motion, seconded by Supervisor Yaroslavsky, to amend Supervisor Knabe's recommendation, to add a provision to the modified Conditional Use Permit to require the operation of alternative-fuel trucks at the entire landfill, consistent with alternative-fuel truck operation requirements that are applicable to the City's side of the landfill. Said motion was duly carried by the following vote: Ayes: Supervisors Molina, Burke, Yaroslavsky; Knabe and Antonovich; Noes: None.

In addition, Supervisor Antonovich offered a suggestion that Supervisor Knabe's recommendation be amended to direct County Counsel to incorporate the following revisions to the conditions of approval for the Sunshine Canyon Landfill. Supervisor Knabe accepted Supervisor Antonovich's amendment:

1. Require a liner of equal or better effectiveness as that required by the Regional Water Quality Control Board on the City portion of the landfill.

(Continued on Page 8)

2. Revise the conditions so that wherever there is a discrepancy between conditions in County Conditional Use Permit No. 00-194-(5) and City of Los Angeles City Ordinance 172933 (or its successors or equivalent discretionary land-use approval), the condition that would result in greater protection for the surrounding community shall apply.
3. Instruct the Acting Director of Planning to review whether the operator should be required to increase the radius of windblown trash removal up to a 1.5 mile radius and make a recommendation regarding an appropriate condition.
4. Revise Condition 17-c to restrict overages to no more than 313 days during the term of the permit, except overages which occur as the result of a declared disaster or national emergency shall not count toward the 313 day limit.

Therefore, on motion of Supervisor Knabe, seconded by Supervisor Burke, duly carried by the following vote: Ayes: Supervisors Molina, Burke and Knabe; Noes: Supervisors Yaroslavsky and Antonovich, the Board closed the hearing; indicated its intent to approve Conditional Use Permit Case No. 00-194-(5), which replaces current Conditional Use Permit Case No. 86-312-(5), as recommended by the Regional Planning Commission; and directed County Counsel to prepare the necessary findings and conditions, with the following revised conditions:

1. Revise Condition 13 to add language the following language:

Assuming that a joint City/County landfill has become operational and the applicant has not otherwise exhausted the available landfill capacity as set forth in the permit, during the year following the 25 anniversary of this grant, the Board of Supervisors shall authorize a study to determine the remaining capacity authorized by this permit for the landfill. Premised upon the study's findings the Board of Supervisors will establish a date certain for the termination of the receipt of solid waste at the landfill. In no event shall that date exceed the 30th anniversary of this grant.

2. Require a liner of equal or better effectiveness as that required by the Regional Water Quality Control Board on the City portion of the landfill.

(Continued on Page 9)

3. Revise the conditions so that wherever there is a discrepancy between conditions in County Conditional Use Permit No. 00-194-(5) and City of Los Angeles City Ordinance 172933 (or its successors or equivalent discretionary land-use approval), the condition that would result in greater protection for the surrounding community shall apply.
4. Instruct the Acting Director of Planning to review whether the operator should be required to increase the radius of windblown trash removal up to a 1.5 mile radius and make a recommendation regarding an appropriate condition.
5. Revise Condition 17-c to restrict overages to no more than 313 days during the term of the permit, except overages required as a result of a declared disaster or national emergency shall not count toward the 313 day limit.

By unanimous vote, the Board directed County Counsel to include a provision that would require the operation of alternative-fuel trucks at the entire landfill, consistent with alternative-fuel truck operation requirements that are currently applicable to the City of Los Angeles side of the landfill.

04060706_68

Attachments

Copies distributed:

Each Supervisor
Director of Public Works
Browning Ferris Industries, Inc.
David Edwards
Juan Noguez
Gregory Nordback
Michael Tou
Wayne Hunter
Dr. Wayne Aller



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

RAYMOND G. FORTNER, JR.
County Counsel

January 29, 2007

TELEPHONE
(213) 974-1887
FACSIMILE
(213) 687-7337
TDD
(213) 633-0901

Agenda No. 68
06/07/06

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

**Re: CONDITIONAL USE PERMIT NUMBER 00-194-(5)
FIFTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a public hearing on the appeal by Browning-Ferris Industries ("BFI") of the Regional Planning Commission's ("Commission") denial of the above-referenced conditional use permit ("CUP"). The requested CUP would modify the previously approved County conditional use permit for BFI's operation of the Sunshine Canyon Landfill.

The Sunshine Canyon Landfill is located in both the County and the City of Los Angeles ("City"), and BFI has also obtained entitlements from the City to conduct landfill operations in the City. The requested CUP will generally harmonize the respective City and County permits, and will also authorize BFI to operate an anticipated combined City/County landfill in the future.

At the conclusion of your hearing, your Board indicated its intent to grant BFI's appeal and approve the new CUP, subject to revised conditions, and instructed us to prepare the appropriate findings and conditions for approval. Your Board instructed that revised conditions be prepared which address: 1) a closure date for the Landfill; 2) the use of alternative fuel trucks at the landfill; 3) requirements for the landfill liner; 4) limitations on the number of days that waste overages are allowed; and 4) the required radius for BFI to remove wind-blown trash (which is based upon the results of an analysis that your Board directed the Department of Regional Planning to undertake).

The Honorable Board of Supervisors

January 29, 2007

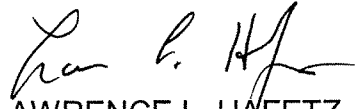
Page 2

Your Board also directed that the proposed project conditions be revised to incorporate provisions from the City permit for Sunshine Canyon where such provisions are more restrictive and would result in greater protection for the surrounding community. The enclosure to this letter discusses the manner in which County staff's proposed conditions have been modified and new conditions added in order to implement this "more restrictive condition" requirement.

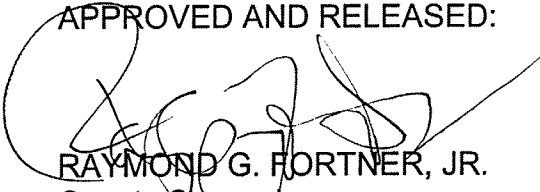
The enclosed findings and conditions are now presented to your Board for your consideration and possible adoption. The Department of Regional Planning will be providing the final environmental documentation to your Board under separate cover.

Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By 
LAWRENCE L. HAFETZ
Principal Deputy County Counsel
Property Division

APPROVED AND RELEASED:


RAYMOND G. FORTNER, JR.
County Counsel

LLH:di

Enclosures

ATTACHMENT

In accordance with your Board's motion, the proposed conditions for Conditional Use Permit Number 00-194-(5) include the following revised/new provisions derived from the City of Los Angeles permit for the Sunshine Canyon Landfill based upon a determination by staff from the Departments of Regional Planning and Public Works, that such provisions would result in greater protection to the surrounding community than provisions originally proposed by County staff.

1. Condition No. 1LL - Definition of "Landfill" (revised). To be consistent with the City permit, the definition of "Landfill" in the County permit has been modified to prohibit the allowance of settlement to determine the final elevations or contours of the Landfill;
2. Condition No. 17(E) (new). Consistent with the City permit, a condition has been added to the County permit to require BFI to contact the Department of Parks and the Santa Monica Mountains Conservancy at the end of the post-closure maintenance period to determine if either agency would be interested in accepting the Landfill for parkland purposes;
3. Condition No. 19 (revised). Regarding possible expansion efforts by BFI, the first paragraph of Condition No. 19 originally provided that the conditions of approval do not prohibit BFI from applying for any new permit to expand the Facility or otherwise modify the conditions of the grant. To be consistent with the City permit, that provision has been deleted and replaced with a provision prohibiting BFI from seeking approval of any additional expansion of the Landfill in the County pending the establishment of a joint powers agreement with the City to operate the Landfill;
4. Condition No. 23(D) (revised). Regarding waste usage, County staff originally proposed requiring BFI to use all waste received and processed at the Landfill as an alternative to daily intermediate and final cover to the extent technically feasible. To be consistent with the City permit, this requirement has been revised to prohibit BFI from using contaminated soil or other specified materials for alternative cover material;
5. Condition No. 29 (revised). Regarding hours of operation, County staff originally proposed allowing the Landfill to conduct site preparation and maintenance activities one hour before the Landfill scales open at 6:00 a.m. The City permit does not allow these activities before the scales open. Accordingly, this allowance has been removed from the County permit;
6. Condition No. 49 (revised). Regarding community complaints, County staff originally proposed requiring BFI to maintain on-site staff to respond to community complaints. To be consistent with the City permit, this condition has been enhanced to also require BFI to maintain a hotline/emergency log to record these complaints and to record BFI's response;

7. Condition No. 78 (new). Consistent with the City permit, a condition has been added to the County permit to prohibit BFI from accepting waste that originates outside of Los Angeles County;
8. Condition No. 79 (new). Consistent with the City permit, a condition has been added to the County permit to require BFI to prepare and distribute a quarterly newsletter to interested parties addressing various activities at the Landfill for the quarter. In addition, this new condition requires BFI to notify all parties, including the Community Advisory Committee and the Granada Hills North Neighborhood Council, of all operational changes at the Landfill that were not fully evaluated in the environmental documentation for the project, and to allow these parties to comment on and request hearings regarding these operational changes;
9. Condition No. 80 (new). Consistent with the City permit, a condition has been added to the County permit to require BFI to remove graffiti at the Landfill and to establish a graffiti deterrent program;
10. Condition No. 81 (new). Consistent with the City permit, a condition has been added to the County permit to require BFI to conduct air quality monitoring at the Landfill and to retain an independent air quality consultant for that purpose. If the consultant's test results show that the air quality near the Landfill is inconsistent with the supporting environmental documentation for the City project, BFI will be required to develop a corrective action plan to reduce air quality impacts at the Landfill;
11. Condition No. 82 (new). Consistent with the City permit, a condition has been added to the County permit to require BFI to install video monitoring equipment at the Landfill to monitor the Landfill's operations and to ensure compliance with the permit conditions;
12. Condition No. 84 (new). Consistent with the City permit, a condition has been added to the County permit to require BFI to provide a back-up generator at the Landfill for emergency use in case of prolonged power outages at the Landfill; and
13. Part XII(E) of the Implementation and Monitoring Program ("IMP") (new). Consistent with the City permit, a condition has been added to the IMP to require the Technical Advisory Committee, at BFI's expense, to retain an independent consultant for at least five years to monitor BFI's compliance with the conditions and mitigation measures of the grant.

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
CONDITIONAL USE PERMIT NUMBER 00-194-(5)**

1. The Los Angeles County ("County") Board of Supervisors ("Board") conducted a duly-noticed public hearing on proposed Conditional Use Permit 00-194-(5) ("Replacement CUP") on June 7, 2006. The hearing was an appeal by the applicant, Browning-Ferris Industries of California, Inc. ("BFI"), pursuant to Section 22.60.200, et seq., of the Los Angeles County Code ("County Code"), to challenge the December 21, 2005, final action of the Los Angeles County Regional Planning Commission ("Commission") which denied the Replacement CUP. The Commission's public hearing, continued over several dates, was held on December 1, 2004, January 12, 2005, April 6, 2005, August 10, 2005, and November 3, 2005. The Commission also conducted a site visit of the subject property on March 28, 2005.
2. The applicant is requesting the Replacement CUP to modify and supersede previously approved Conditional Use Permit 86-312-(5) ("Original CUP"), described further below, which authorized the operation of the Sunshine Canyon Landfill, a Class III (non-hazardous) solid waste landfill ("Landfill"). The Landfill crosses the jurisdictional boundary of the County and the City of Los Angeles ("City"). The applicant is the owner/operator of the Landfill.
3. The subject property is located adjacent to and southwest of the interchange between the Golden State ("I-5 Freeway") and Antelope Valley ("14 Freeway") Freeways, near the communities of Sylmar and Granada Hills in the Newhall Zoned District.
4. The overall area of the site is approximately 1,036 acres, approximately 542 acres of which are in unincorporated County territory, and approximately 494 acres of which are in the City.
5. The site is characterized by hilly terrain. The property takes access from San Fernando Road in the City. A paved driveway leads from a gated entry to the Landfill scale house and scales, and then to its administrative facilities and a caretaker house, all located in the County. As Landfill operations proceed, the administrative facilities, caretaker house, and scale house and scales will be relocated to the southeast of the property on the City side of the site, and the driveway will be realigned accordingly.
6. The subject property is zoned A-2-2 (Heavy Agricultural-Two-acre Required Area).
7. The surrounding properties are zoned as follows:

North: A-2;

South: [T] [Q] M3-1-0 (Heavy Industrial);

East: A-2; and

West: A-2.

8. Pursuant to the Original CUP, the subject property was developed as an operating Class III (non-hazardous) landfill.
9. The Landfill's surrounding land uses consist of:
 - North: Open Space and the I-5 Freeway;
 - South: Open Space (Bee Canyon - containing 490 acres of permanent open space), gas storage fields, O'Melveny Park, the City landfill, and a 100-acre buffer area, beyond which are single-family homes in Granada Hills;
 - East: City portion of the Landfill and the I-5 and 14 Freeways; and
 - West: Open Space (East Canyon – 426 acres of permanent open space).
10. In 1986, the applicant applied for its original entitlements to operate the Landfill in the County. At the time, landfill operations were occurring on the City side of the site, and the applicant sought to extend landfill capability into County unincorporated territory. Landfill operations in the City ceased in 1991 and were reactivated pursuant to certain City entitlements in 1999, discussed below.
11. The County entitlements requested in 1986 were the Original CUP, Oak Tree Permit 86-312-(5), Compound Plan Amendment 90-2-(5), and Sub-Plan Amendment 86-312-(5).
12. On February 19, 1991, the Board certified the project's Final Environmental Impact Report ("FEIR") pursuant to the California Environmental Quality Act ("CEQA"), and approved the Original CUP, Oak Tree Permit, Compound Plan Amendment, and Sub-Plan Amendment. Following the County approvals, the North Valley Coalition of Concerned Citizens, the community group representing several communities surrounding the Landfill ("North Valley Coalition"), and the City filed a lawsuit challenging the County approvals on CEQA grounds. On April 22, 1992, the County approvals were ordered vacated by the Los Angeles Superior Court pursuant to a Peremptory Writ of Mandate. In response to the Writ, the County prepared an Additional Environmental Analysis to supplement the FEIR. On November 30, 1993, with the additional environmental documentation, the Board re-certified the FEIR, and re-certified and re-approved the project and all of its entitlements.
13. The FEIR addressed the Landfill's environmental impacts with a combined waste capacity of 215 million tons in the County and the City. However, the County approvals authorized significantly less landfill capacity, discussed in paragraphs 15 and 16, below.

14. The County approvals indicated that the Board contemplated the eventual development of a combined City/County landfill, discussed in paragraphs 16 and 17, below. In the approvals, the Board directed the applicant to pursue City land use entitlements for such development.
15. The Original CUP authorized the development of a 215-acre Landfill footprint, with an estimated net airspace waste capacity of 16.9 million tons. The approved average daily waste intake was 6,000 tons, resulting in an approved average weekly waste intake of 36,000 tons based on a six-day week. The 16.9-million ton design was shown on the approved site plan marked Exhibit A.
16. In addition to approving a 16.9-million ton design, the Board also approved an alternate design, shown on the site plan marked Exhibit A Alternate. Exhibit A Alternate depicted a combined City/County landfill, with an estimated waste capacity of 35 million tons on the County side, and a combined waste capacity of 100 million tons. The development of the combined City/County landfill was contingent on the applicant obtaining appropriate entitlements from the City.
17. In connection with the anticipated combined City/County landfill, the Board imposed Condition 10(b) in the Original CUP. Condition 10(b) required the applicant to diligently seek entitlements from the City to allow landfill operations in the City consistent with Exhibit A Alternate. If these City approvals were obtained, Condition 10(b) established the parameters that would allow the applicant to increase its waste capacity on the County side by approximately 18 million tons through the development of a 42-acre "bridge area" adjacent to the City/County boundary without further amendment to the Original CUP. Under Condition 10(b), the applicant could use this bridge area only "as necessary to complete the City authorized design," as set forth in the City entitlements. The applicant had no authorization to use the bridge area unless the terms of Condition 10(b) were satisfied.
18. As of the date of the Replacement CUP application, no agreement between the County and the applicant had been reached regarding whether Condition 10(b) had been satisfied. As a result, the applicant has not been authorized to use the bridge area described in the Original CUP. The Replacement CUP, however, supersedes the Original CUP, and Condition 18 in the Replacement CUP governs the use of the bridge area in a manner consistent with the new permit.
19. The Oak Tree Permit approved with the original County approvals authorized the removal of an estimated 2,850 oak trees from the subject site to allow extension of the Landfill into County area. The conditions of approval included requirements for the replacement of the removed oak trees, protection of the remaining oak trees, and the establishment of a program to enhance regional oak tree resources in the area. The Replacement CUP has no effect on the original Oak Tree Permit approval.

20. The Compound Plan Amendment and Area Plan Amendment approved with the original County approvals were amendments to the County General Plan and the Santa Clarita Valley Area Plan ("Area Plan") regarding Significant Ecological Areas ("SEAs"). The subject property on the County side was located entirely within an SEA and the General Plan and Area Plan prohibited landfills in an SEA. Accordingly, the Board amended the County General Development Policy Map, the Land Use Policy Map, the Special Management Areas Map, and the Santa Clarita Valley Area Map to exclude the subject site from an SEA. The subject site was re-designated Non-Urban Hillside on the General Development Policy Map, Rural ("Non-Urban") on the Land Use Policy Map, Hillside Management on the Special Management Areas Map, and Hillside Management on the Santa Clarita Valley Area Map. The Board also re-designated the site as a planned landfill extension on the Solid Waste Management Plan Map. The Board found that removal of the landfill site from the SEA, which comprised approximately 2.5 percent of the SEA area, would not substantially inhibit gene flow or wildlife movement in the area. Moreover, the action was found to promote the public interest by avoiding any impending waste disposal crisis in the County.
21. The Original CUP findings indicated that the Landfill would have a number of ancillary facilities, including, but not limited to, offices, employee wash rooms, parking facilities, and a caretaker residence. The findings also showed intended ancillary uses at the site, including, but not limited to, waste diversion operations, gas and leachate collection, and water and waste recycling.
22. Among other requirements, the original County approvals required the applicant to: (1) dedicate 426 acres in East Canyon, just west of Sunshine Canyon, to the Mountains Recreation and Conservation Authority ("MRCA") as permanent open space; (2) acquire and transfer 490 acres of Bee Canyon, south of Sunshine Canyon, to the MRCA as permanent open space; and (3) dedicate 81 acres around the Landfill perimeter within East, Bee, and Weldon Canyons to the MRCA for public use and hiking trails. These requirements were necessary to ensure the Landfill's compatibility with the surrounding land uses.
23. In 1991, as contemplated in the County approvals, the applicant applied to the City for entitlements to develop the City portion of the combined City/County landfill. The entitlements included a general plan amendment and a zone change under the City zoning ordinance. With respect to CEQA, although the County FEIR had already analyzed the combined City/County landfill's environmental impacts, the City determined that a subsequent EIR ("SEIR") was needed due to differences in the design and operation of the Landfill since the certification of the County FEIR. Accordingly, an SEIR was prepared. Among other things, the SEIR responded to several hundred comments concerning the project.
24. In December 1999, after nine public hearings before various City planning bodies, the City certified the SEIR, approved the project, and authorized the applicant to extend the Landfill into City territory. In so doing, the City adopted the SEIR's conclusion that all impacts of the project, except regional cumulative air quality

impacts, were insignificant after appropriate mitigation measures were implemented. The City found that the project's air quality impacts could not be feasibly mitigated below the level of significance, and thereby adopted a statement of overriding considerations in compliance with CEQA.

25. The City approvals authorized the development of a City landfill, with an approximate 194-acre footprint on the City side and an estimated net waste capacity of 55 million tons.
26. The City approvals also contemplated the development of a future joint City/County Landfill and estimated that the joint operation would have a total net waste capacity of approximately 90 million tons. This capacity included an approximate 18 million ton capacity in the 42-acre bridge area and a 17 million ton capacity on the County side of the Landfill. In the event a City/County Landfill was implemented, the City approvals required the City and County to enter into a joint agreement to determine remaining City and County Landfill capacity at the time joint operations commence in order to provide for the allocation of Landfill tonnage and the related waste disposal fee revenue between the County and City and, if necessary, a separate agreement for the joint oversight of Landfill operations.
27. Although the City approvals contemplated an eventual joint operation, they also recognized that such an operation was uncertain because additional County approvals would be necessary. Accordingly, the City approvals included certain conditions that would apply if the Landfill's operations remained separate in the City and County on separate working face areas. In the event of separate operations, the City approvals allowed for an average daily waste capacity of 5,000 tons on the City side, with a maximum daily capacity of 5,500 tons. In addition, the working face area was restricted to five acres.
28. In August 1996, pursuant to the County's original approvals, the Landfill commenced operations on the County side with an approved daily intake of 6,600 tons of solid waste. In July 2005, pursuant to the City approvals, the Landfill commenced operations on the City side with an approved daily intake of 5,500 tons of solid waste. As of July 2005, the Landfill has been operating as two separate operations.
29. In September 2000, the applicant applied for the Replacement CUP to modify certain aspects of the Original CUP, to harmonize the waste capacity rates between the City and County approvals, and to resolve inconsistencies between the two approvals. The applicant maintains that the Replacement CUP will provide an efficient, cost effective joint City/County Landfill. The applicant's requested modification seeks to:
 - A. Increase the waste capacity on the County side of the Landfill from 6,000 tons to 12,100 tons daily, and correspondingly, from 36,000 tons to 66,000 tons weekly. This increased capacity reflects the aggregate sum of waste allowed under both the County and City approvals and allows the

applicant to dispose the combined amount anywhere within the Landfill footprint irrespective of jurisdiction;

- B. Increase the total working face area for the Landfill;
 - C. Impose new conditions consistent with the City approvals to reduce environmental impacts and operating hours of the Landfill;
 - D. Eliminate requirements of the Original CUP that have produced no benefit, such as the requirement to water the Landfill surfaces on rainy days; and
 - E. Modify the conditions to authorize extended Landfill operating hours and increased capacity for unusual circumstances, such as emergencies.
30. In addition to the applicant's proposed modifications, County staff, including the Los Angeles County Departments of Regional Planning ("Department"), Public Works and Health Services (collectively, "County Staff"), recommended certain updates to the permit to address several solid waste management issues.
31. In processing the Replacement CUP, County Staff determined that, for CEQA purposes, the proposed permit modifications required preparation of an addendum to the previously certified County FEIR and City SEIR ("Addendum") and an Addendum was thereby prepared.
32. The Commission held a duly noticed public hearing, continued over several dates, to consider the Replacement CUP. The hearing was held on December 1, 2004, January 12, 2005, April 6, 2005, August 10, 2005, and November 3, 2005. The January 12, 2005, continued public hearing was held in the community at Granada Hills High School. For the initial hearing date, hearing notices were sent to property owners within a 1000-foot radius of the Landfill, to 39 interested community groups, and to 24 government agencies. The Commission also conducted a site visit of the Landfill on March 28, 2005. The legally required advertising for the public hearing was published in the Los Angeles Daily News. Case materials were made available in a number of libraries, including the Valencia, Newhall, Canyon Country, San Fernando, Granada Hills, Sylmar, Northridge, and Los Angeles Central libraries.
33. At the hearing, the Commission received extensive correspondence and heard extensive testimony in favor of and against the Replacement CUP. Local residents and the North Valley Coalition raised significant concerns regarding the project, asserting the following: (1) the Landfill should have a definite closure date and/or a maximum tonnage capacity rather than having design contours to define capacity; (2) the proposed conditions are inadequate to assure adequate funding for the Landfill's post-closure maintenance activities; (3) the Landfill should use alternative fuel vehicles for all light duty vehicle operations at the Landfill; (4) the permit should require certain community protection programs, including an emergency hotline; (5) the permit should require the applicant to fund traffic mitigation measures to enhance traffic flow around the facility because of the alleged traffic problems in the

area; (6) the penalty provisions in the permit for non-compliance should be enhanced; and (7) if a combined City/County landfill is developed, for any matter that has a separate but different requirement in the respective City and County permits, the County should require that the more restrictive condition apply to the combined Landfill.

34. Proponents of the Replacement CUP, including the applicant, testified that the combined City/County operation would: (1) allow for needed disposal capacity in the region in light of the current daily waste export of 8,000 tons to other counties; (2) provide a single area to off-load trash, rather than two areas, thereby reducing the amount of equipment and associated emissions on-site; (3) provide a more efficient operation of the Landfill, thus keeping disposal costs down for County residents and businesses; and (4) reduce long truck trips to the facility, thus improving traffic and regional air quality. Proponents also asserted that the applicant has been a good corporate citizen and has operated the Landfill in an environmentally sound manner.
35. At the November 3, 2005 continued public hearing, the Commission closed the public hearing and continued the matter to November 21, 2005, for voting purposes. On November 21, 2005, after deliberation, the Commission indicated its intent to deny the Replacement CUP. On December 21, 2005, the Commission took final action to deny the permit.
36. The Commission found there was a regional need for the Landfill, but also found that the traffic impacts from the Landfill's operation had not been mitigated to acceptable levels. Moreover, the Commission found that the Landfill created significant negative impacts to the community because it lacked a specific closure date and a specific maximum tonnage capacity. Without these restrictions, the Commission found that the Landfill's estimated 90 million ton capacity could be exceeded due to waste compaction rates. This could result in an extended life for the Landfill.
37. Based on these findings, the Commission found that the Replacement CUP failed to serve the community's needs and was inconsistent with the Los Angeles County General Plan, specifically, the provision in the General Plan that states: "The criteria to be applied by the Regional Planning Commission in considering an application [for a waste facility] include the regional and local need for the specific waste facility as well as the potential impacts the use will have on the community. Regional need should not outweigh the impact on the community and potential hazards should be given greater consideration than the regional need."
38. The applicant appealed the Commission decision to the Board pursuant to Section 22.60.200, et seq., of the County Code. Notice of the Board's public hearing was provided pursuant to Section 22.60.240(B) of the County Code. On June 7, 2006, the Board held a public hearing on the appeal pursuant to Section 22.60.240(D) of the County Code.

39. Substantial written and oral testimony were provided to the Board both in favor of and against the Commission action. The written and oral testimony were substantially similar to the testimony provided to the Commission at its extensive public hearing.
40. At the Board hearing, Department staff testified that at the time the Original CUP was approved in 1993, the Board indicated an intent to maximize and conserve landfill capacity at the site because of concerns of an impending landfill shortage in the County. Department staff also noted that the Original CUP contemplated an eventual joint City/County landfill that generally would be consistent with the contour design shown in the 1993 FEIR. This contour design provided a landfill capacity of 215 million tons crossing the City/County boundary. Further, Department staff noted that the Original CUP allowed the applicant to automatically use the bridge area after obtaining certain approvals from the City.
41. Like at the Commission, the applicant testified to the Board that the Replacement CUP would provide a single, more efficient Landfill, as compared to having two separate landfills in the City and County. The applicant further indicated that it had obtained all necessary City approvals for City operations and that it had begun operating in the City in July 2005. The applicant maintained that the Replacement CUP would provide the County \$65 million in new fees to assist the local community in environmental programs, recycling and alternative technology development, traffic improvements, and other community programs. The applicant stressed that the Replacement CUP would not increase the waste intake at the facility, and would not cause any environmental impacts not previously considered and mitigated in the County FEIR and City SEIR.
42. Several community groups, businesses, business groups, and elected officials testified in support of the Replacement CUP, including the Mayor of Huntington Park, a City of Whittier council member, the Los Angeles Area Chamber of Commerce, the Valley Industry and Commerce Association, and the Central City Association of Los Angeles.
43. Opponents at the Board hearing included a representative of Congressman Brad Sherman, the North Valley Coalition, the Sunshine Canyon Citizens Advisory Committee, the Sierra Club, the Granada Hills North Neighborhood Council, the International Brotherhood of Teamsters, and several environmental advocates. The concerns raised by the opponents were substantially similar to those raised at the Commission. At least one opponent also raised a concern regarding wind-blown trash. According to this opponent, trash commonly blows from the applicant's trucks onto the freeway and nearby roads and therefore the applicant should be required to remove all wind-blown trash within a two-mile radius of the Landfill.
44. After deliberation, the Board closed the public hearing and indicated its intent to uphold the applicant's appeal, overturn the Commission action, and approve the Replacement CUP. The Replacement CUP would be subject to the conditions

proposed by County Staff during the Commission hearing, subject to revised conditions requested by the Board, discussed in paragraph 47, below.

45. The Board found that there is a need for landfill capacity in the region and that the Landfill is adequately served by existing highways, streets, and public and private utilities to service the Landfill operations and to carry the type and volume of traffic the Landfill will generate. The Board also found that the Addendum was prepared in compliance with CEQA and that the Addendum, in conjunction with the 1993 County FEIR and 1999 City SEIR, adequately addresses the environmental impacts of the Replacement CUP, as set forth in more detail in the Addendum's Findings of Fact and Statement of Overriding Considerations ("CEQA Findings"), dated November 2006, which CEQA Findings are incorporated herein by this reference.
46. The Board made the following additional findings: (1) the Landfill is adequate in size and shape to integrate its use with the surrounding land uses; (2) the combined City/County landfill is consistent with the County General Plan in that its location is in an area designated for a solid waste facility; (3) the Landfill's traffic impacts are located primarily in the City and have previously been found to be adequately mitigated; and (4) the Addendum, in conjunction with the FEIR and SEIR, is the appropriate environmental document for CEQA purposes.
47. The Board action amended the conditions previously proposed by County Staff and ordered County Staff to incorporate the amended conditions into the final conditions of approval. The amended conditions required the following additional restrictions to the permit:
 - A. Landfill Closure. If the joint City/County Landfill becomes operational and the applicant has not otherwise exhausted its available landfill capacity, within six months of the 25th anniversary of this grant, the Board will authorize a study to determine the Landfill's remaining capacity. Based on the study, the Board will establish a date certain for the closure of the Landfill, but in no event shall that date exceed 30 years from the approval date of the Replacement CUP;
 - B. Alternative-Fuel Trucks. The applicant shall be required to adopt an alternative-fuel truck program for the Landfill consistent with the City's alternative-fuel truck requirement;
 - C. Liners. The applicant shall be required to use a liner of equal or better effectiveness to the one required by the Regional Water Quality Board on the City side of the Landfill;
 - D. Waste Overages. The number of daily capacity overages at the Landfill shall be restricted to 313 days per year, excluding overages due to a declared disaster or national emergency; and

- E. Wind-blown Trash Removal. The Director of the Department shall review whether the applicant should be required to remove all wind-blown trash within a 1.5 mile radius of the site, and make a recommendation in that regard; and
- F. Strictest Condition Requirement. If a discrepancy arises between a City condition and a County condition regarding Landfill operations, the applicant shall be required to incorporate into the County permit the condition that results in the greater protection to the surrounding community;

- 48. The final conditions attached to these findings include the new restrictions based on the Board amendment. Moreover, as directed under paragraph 47(F) above, on or about December 18, 2006, the Department submitted a memorandum to the Board indicating that trash removal within a 1.5 mile radius of the site was a reasonable requirement. Accordingly, this requirement has been included in the attached final conditions.
- 49. The documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter are located at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES THAT:

- 1. The Replacement CUP is consistent with the County General Plan;
- 2. The requested use at the proposed location will not adversely affect the health, peace, comfort, and welfare of persons residing and working in the surrounding area, will not be materially detrimental to the use, enjoyment, and valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and general welfare of the citizens of the County;
- 3. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- 4. The proposed site is adequately served: (1) by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and (2) by other public or private service facilities as are required.

THEREFORE, THE BOARD OF SUPERVISORS:

1. Indicates that is has read and considered the FEIR, SEIR, and Addendum prepared for the project; certifies that the Addendum has been completed in compliance with the California Environmental Quality Act, and the State and County Guidelines related thereto; and reflects the independent judgment of the Board; and
2. Approves Conditional Use Permit 00-194-(5) subject to in the attached conditions.

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NUMBER 00-194-(5)

1. Definitions: Unless otherwise apparent from the context, the following definitions shall apply to these Conditions of Approval ("Conditions"), and to the attached Implementation and Monitoring Program ("IMP"), adopted concurrently with this grant:
 - A. "Ancillary Facilities" shall mean the facilities authorized by this grant that are directly related to the operation and maintenance of the Landfill, and shall not include the facilities related to any other enterprise operated by the Permittee or any other person or entity.
 - B. "Approval Date" shall mean the date of the Board's approval of this grant.
 - C. "Board" shall mean the Los Angeles County Board of Supervisors.
 - D. "Beneficial Use Materials" shall mean: (1) Solid Waste that has been source-separated or otherwise processed and put to a beneficial use at the Facility, or separated or otherwise diverted from the waste stream and exported from the Facility, for purposes of recycling, and shall include, but not be limited to, green waste, wood waste, asphalt, concrete, or dirt; or (2) Clean Dirt imported to cover and prepare interim and final fill slopes for planting and for berms, provided that such importation of Clean Dirt has been shown to be necessary and has been authorized by the Department of Public Works.
 - E. "Bridge Area" shall mean the portion of the Landfill within the jurisdiction of the County which, subject to the provisions of this grant, is authorized for landfilling beyond the Limits of Fill depicted on Exhibit "A-1" for the County Project, but not beyond the Limits of Fill depicted on Exhibit "A-2" for the City/County Project.
 - F. "Caltrans" shall mean the State of California Department of Transportation.
 - G. "CAO" shall mean the Los Angeles County Chief Administrative Office.
 - H. "City" shall mean the City of Los Angeles.
 - I. "City Ordinance" shall mean City Ordinance No. 172933.
 - J. "City Project" shall mean the activities of the Landfill and ancillary facilities and activities within the jurisdiction of the City, as approved by the City through the City Ordinance, and limited to the area depicted "Initial Development Area" on Exhibit "E-4C" of said City Ordinance, and as generally referred to in said Ordinance as Phase I.

- K. "City/County Project" shall mean the activities of the combined City/County landfill conducted in either or both the City and County jurisdictions, the ultimate development of which is depicted on Exhibit "A-2" of this grant and on Exhibit "E-4B" of the City Ordinance (the portion of said Exhibit covering the City jurisdiction only), and which is generally referred to in the City Ordinance as Phase II and Phase III. The City/County Project includes the combined City/County landfill, its Ancillary Facilities and activities within the County's jurisdiction as approved by this grant, and the combined City/County landfill, ancillary facilities and activities within the City's jurisdiction as approved by the City Ordinance, including, but not limited to, waste diversion facilities, offices and other employee facilities, a leachate treatment facility, material storage areas, and Closure and Post-Closure Maintenance activities.
- L. "CIWMB" shall mean the California Integrated Waste Management Board.
- M. "Class III (non-hazardous) Landfill" shall mean a disposal facility that accepts Solid Waste for land disposal pursuant to applicable federal and state laws and regulations.
- N. "Clean Dirt" shall mean uncontaminated soil used for coverage of the Landfill face, buttressing the Landfill and the construction of access roads, berms, and other beneficial uses at the Facility.
- O. "Closure" shall mean the process during which the Facility, or portion thereof, is no longer receiving Solid Waste and/or Beneficial Use Materials for disposal or processing and is undergoing all operations necessary to prepare the Facility, or portion thereof, for Post-Closure Maintenance in accordance with an approved plan for Closure or partial final closure. Said plans shall be approved by the TAC, as defined in this grant.
- P. "Closure Date" shall mean "Termination Date," as defined in this grant.
- Q. "Commission" shall mean the Los Angeles County Regional Planning Commission.
- R. "Conversion Technologies" shall mean the various state-of-the-art technologies capable of converting post-recycled or residual Solid Waste into useful products, green fuels, and renewable energy through non-combustion thermal, chemical, or biological processes.
- S. "County" shall mean the County of Los Angeles.
- T. "County Code" shall mean the Los Angeles County Code.

- U. County Local Enforcement Agency ("County LEA") shall mean the entity or entities (currently the Los Angeles County Department of Public Health) designated by the Board pursuant to the provisions of Division 30 of the California Public Resources Code to permit and inspect Solid Waste disposal facilities and to enforce State regulations and permits governing these facilities; provided, however, that should the State assign the function of the LEA to any entity other than a Board-designated entity, the duties and responsibilities of the County LEA assigned through this grant which are above and beyond the LEA's function as assigned by the State shall be performed by DPH-SWMP.
- V. "County Project" shall mean the activities of the Landfill within the area depicted on Exhibit "A-1," and other activities as approved by this grant, which are conducted entirely within the County's jurisdiction. The County Project includes the Landfill and its Ancillary Facilities and activities as described in Condition 2, including, but not limited to, waste diversion facilities, offices and other employee facilities, a leachate treatment facility, Environmental Protection and Control Systems, material storage areas, and Closure and Post-Closure Maintenance activities. The County Project includes activities conducted within the County's jurisdiction prior to the commencement of the City-approved Phase II, as well as activities conducted within the County's jurisdiction in the event that the City's approval of Phase II or Phase III expires or terminates. County Project does not include activities conducted within the County's jurisdiction as part of the City/County Project.
- W. "Department" shall mean the Los Angeles County Department of Regional Planning.
- X. "Department of Parks" shall mean the Los Angeles County Department of Parks and Recreation.
- Y. "Department of Public Works" shall mean the Los Angeles County Department of Public Works.
- Z. "Disposal" shall mean the final disposition of Solid Waste onto land, into the atmosphere, or into the waters of the State of California. Disposal includes the management of Solid Waste through the Landfill process at the Facility.
- AA. "Disposal Area" shall mean the "Landfill" as defined in this grant.
- BB. "DPH-SWMP" shall mean the Los Angeles County Department of Public Health-Solid Waste Management Program.
- CC. "Effective Date" shall mean the date of the Permittee's acceptance of this grant pursuant to Condition No. 3.

- DD. "Electronic Waste" shall mean all discarded consumer or business electronic equipment or devices. Electronic waste includes materials specified in the California Code of Regulations, Title 22, Division 4.5, Chapter 23, Article 1 (commencing with section 66273.3), and any amendments thereto.
- EE. "Environmental Protection and Control Systems" shall mean any surface water and ground water-quality monitoring/control systems, landfill gas monitoring/control systems, landscaping and irrigation systems, drainage and grading facilities, Closure activities, Post-Closure Maintenance activities, foreseeable corrective actions, and other routine operation or maintenance facilities or activities.
- FF. "Exempt Material" shall mean "Beneficial Use Materials," as defined in this grant.
- GG. "Facility" shall mean the entirety of the subject property, including all areas where Landfill and non-Landfill activities occur.
- HH. "Final Cover" shall mean the cover material required for Closure of the Landfill and all Post-Closure Maintenance required by this grant.
- II. "Footprint" shall mean the horizontal boundaries of the Landfill at ground level, as depicted on the attached Exhibit "A-1" for the County Project, and Exhibit "A-2" for the City/County Project.
- JJ. "Garbage" shall mean "Solid Waste," as defined in this grant.
- KK. "Inert Debris" shall mean Solid Waste and/or recyclable materials that are source-separated or separated for recycling, reuse, or resale that do not contain: (1) hazardous waste, as defined in California Code of Regulations, Title 22, section 66261.3; or (2) soluble pollutants at concentrations in excess of state water quality objectives; and (3) do not contain significant quantities of decomposable waste. Inert Debris shall not contain more than one percent (by weight) putrescible wastes. Inert Debris may be commingled with rock and/or soil.
- LL. "Landfill" shall mean the portion of the subject property where Solid Waste is to be permanently placed, compacted, and then buried under daily, interim and Final Cover, all pursuant to applicable requirements of federal, state, and local laws and regulations. No portion of the Landfill shall extend beyond the "Limits of Fill," as defined in this grant, and no allowance for settlement of fill shall be used in determining the final elevations or design contours of the Landfill. "Landfill" does not include adjacent cut slopes, temporary storage areas, final cover, and Ancillary Facilities authorized by this grant.

- MM. "Limits of Fill" shall mean the horizontal boundaries and vertical boundaries (as identified by contours) of the Landfill, as depicted on the attached Exhibit "A-1" for the County Project, and the attached Exhibit "A-2" for the City/County Project.
- NN. "Materials Recovery Facility" shall mean a facility that separates solid waste into recyclable materials and residual waste.
- OO. "Permittee" shall mean the applicant and any other person, corporation, or entity making use of this grant.
- PP. "Post-Closure Maintenance" shall mean the activities undertaken at the Facility after the Closure Date to maintain the integrity of the Environmental Protection and Control Systems and the Landfill containment features, and to monitor compliance with applicable performance standards to protect public health, safety, and the environment. The containment features, whether natural or artificially designed and installed, shall be used to prevent and/or restrict the release of waste constituents onto land, into the atmosphere, and/or into the waters of the State of California, including waste constituents mobilized as a component of leachate or landfill gas.
- QQ. "Post-Closure Maintenance Period" shall mean the period after Closure of the Landfill when the Solid Waste disposed of during the Landfill's operation could still pose a threat to public health, safety, or the environment.
- RR. "Post-Closure Maintenance Plan" shall mean the preliminary, partially final, or final plan or plans, as applicable, approved by the TAC for implementation of all Post-Closure Maintenance at the Facility.
- SS. "Refuse" shall have the same meaning as "Solid Waste," as defined in this grant.
- TT. "Residual Waste" shall mean the waste remaining after removal of recyclable material from the Solid Waste stream.
- UU. "Rubbish" shall have the same meaning as "Solid Waste," as defined in this grant.
- VV. "RWQCB" shall mean the Regional Water Quality Control Board, Los Angeles Region.
- WW. "Site Plan" shall mean the plan depicting all or a portion of the subject property, including any Ancillary Facilities approved by the Director of the Department. "Site Plan" shall include what is referred to in this grant as Exhibit "A-1" or Exhibit "A-2," as applicable.

- XX. "Solid Waste" shall mean all putrescible and non-putrescible solid and semi-solid wastes, such as Garbage, Rubbish, paper, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes. "Solid Waste" excludes materials or substances having commercial value which may be salvaged for reuse, recycling, or resale. Solid Waste includes Residual Waste received from any source.
- YY. "SWFP" shall mean a Solid Waste Facilities Permit.
- ZZ. "SCAQMD" shall mean the South Coast Air Quality Management District.
- AAA. "Stockpile Area" shall have the same meaning as "Temporary Storage Area," as defined in this grant.
- BBB. "Stockpile" shall mean temporarily stored materials.
- CCC. "TAC" shall mean the Los Angeles County Technical Advisory Committee established pursuant to Part XII of the IMP.
- DDD. "Temporary Storage Area" shall mean an area of the Landfill where certain materials, approved by the Director of Public Works, may be placed for storage for up to 180 calendar days, unless a longer period is approved by the Director of Public Works, so long as such temporary storage does not constitute Disposal, as defined in this grant. No putrescible materials, except Inert Debris, shall be placed in a Temporary Storage Area for more than seven calendar days.
- EEE. "Termination Date" shall mean the date upon which the Facility shall cease receiving Solid Waste and/or Beneficial Use Materials for disposal or processing.
- FFF. "Trash" shall have the same meaning as "Solid Waste," as defined in this grant.
- GGG. "Working Face" shall mean the working surface of the Landfill upon which Solid Waste is deposited during the Landfill operation prior to the placement of cover material.

Unless otherwise expressly provided in this grant, applicable federal, state, or local definitions shall apply to the terms used in this grant. Also, whenever a definition or other provision of this grant refers to a particular statute, code, regulation, ordinance, or other regulatory enactment, that definition or other provision shall include, for the life of this grant, any amendments made to the pertinent statute, code, regulation, ordinance, or other regulatory enactment.

2. This grant shall supersede Conditional Use Permit ("CUP") 86-312-(5) and shall authorize the continued operation of a Class III (non-hazardous) landfill on the subject property, but shall have no effect on Oak Tree Permit 86-312-(5). This grant shall also authorize the following Ancillary Facilities and activities at the Facility, as shown on the most currently approved Site Plan, subject to the conditions of this grant:
- A. Office and employee facilities directly related to the Landfill, excluding offices or other facilities related to any other enterprise operated by the Permittee or other person or entity employed by the Permittee or acting on its behalf;
 - B. Waste handling and processing operations;
 - C. A caretaker residence or mobile home;
 - D. Leachate collection, treatment, and processing facilities;
 - E. Facilities necessary for the collection, utilization, and distribution of Landfill gases, as required and/or approved by the Department of Public Works, the County LEA, or the SCAQMD;
 - F. Facilities necessary for the maintenance of machinery and equipment used at the Landfill, excluding Refuse collection equipment and vehicles, and equipment or machinery used by the Permittee in other enterprises;
 - G. On-site waste diversion and recycling activities consistent in scale and purpose with the agreement entered into pursuant to Condition No. 25 of this grant;
 - H. Facilities necessary for Environmental Protection and Control Systems, including flare stations, storage tanks, sedimentation basins, and drainage devices; and
 - I. Storage of bins utilized for Landfill activities.

Revised site plans consistent with the intent of this grant and the scope of the supporting environmental documentation may be submitted to the Director of the Department for approval, with copies filed with the Director of Public Works and the County LEA, except as otherwise provided in Condition No. 35. There shall be no revisions to Exhibit "A-1" or Exhibit "A-2," and no Site Plan shall be approved that will change the Limits of Fill.

3. This grant shall not be effective for any purpose until the Permittee, and the owner of the subject property if other than the Permittee, shall file at the office of the Department their affidavit stating that they are aware of, and agree to comply with, all of the conditions of this grant, and have paid all fees and provided all deposits and security required by the conditions of this grant, including Condition

Nos. 11, 15, and 72. Notwithstanding Condition No. 9 of this grant, the filing of such affidavit constitutes a waiver of the Permittee's right to challenge any provision of this grant.

4. The Permittee shall fully perform each action required of the Permittee under the IMP and the Mitigation Monitoring and Reporting Summary attached to the supporting environmental documentation for this project, which actions are incorporated into these conditions by reference.
5. This grant shall expire unless it is used within one year from the date that the Board approves this grant. Prior to the use of this grant, the Permittee shall comply with Part II of the IMP and with Condition Nos. 6 and 26. The Permittee may request a one-year extension to use this grant if compliance with these conditions cannot otherwise be fulfilled. A Hearing Officer may extend such time for a period not to exceed one year, provided an application with the appropriate fee requesting such extension is filed with the Department prior to such expiration date.
6. Prior to the operation of the City/County Project, the Permittee shall obtain from the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force a "Finding of Conformance" determination that the proposed project and its expansions are consistent with the Los Angeles County Countywide Siting Element.
7. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant to the satisfaction of the Director of the Department, and in full compliance with all statutes, ordinances, or other regulations applicable to any development or activity on the subject property. The Permittee shall also comply with all permits, approvals, or findings issued by other government agencies or departments, including, but not limited to, the permits, approvals, or findings issued by:
 - A. The County LEA and the CIWMB;
 - B. The RWQCB;
 - C. The SCAQMD;
 - D. The California Department of Fish and Game;
 - E. The United States Army Corps of Engineers; and
 - F. The California Department of Health Services.
8. Upon the Effective Date, the Permittee shall cease all development and other activities that are not in full compliance with Condition No. 7, and the failure to do so shall be a violation of this grant. The Permittee shall keep all required permits in full force and effect and shall fully comply with all requirements thereof.

Failure of the Permittee to provide any information requested by County staff regarding any such required permit shall constitute a violation of this grant and shall be subject to any and all penalties described in Condition No. 11.

9. It is hereby declared to be the intent of this grant that if any provision of this grant is held or declared to be invalid, the permit shall be void, and the privileges granted hereunder shall lapse.
10. To the extent permitted by law, the County LEA shall have the authority to order the immediate cessation of landfill operations or other activities at the Facility if the County LEA determines that such cessation is necessary for the health, safety, and/or welfare of the County's residents. Such cessation shall continue until such time as the County LEA determines that the conditions leading to the cessation have been eliminated or reduced to such a level that there no longer exists an unacceptable threat to the health, safety, and/or welfare of the County's residents.
11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Commission or a Hearing Officer may, after conducting a public hearing in accordance with Section 22.56.1780, et seq., of the County Code, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to public health or safety, or so as to be a nuisance.

In addition to, or in lieu of, the provisions just described, the Permittee shall be subject to a penalty for violating any provision of this grant in an amount determined by the Director of the Department not to exceed \$1,000 per day per violation. For this purpose, the Permittee shall deposit the sum of \$30,000 in an interest-bearing trust fund with the Department prior to the Effective Date to establish a draw-down account. The Permittee shall be sent a written notice of any such violation with the associated penalty, and if the noticed violation has not been remedied within 30 days from the date of the notice to the satisfaction of the Director of the Department, the stated penalty, in the written notice shall be deducted from the draw-down account. If the stated violation is corrected within 30 days from the date of the notice, no amount shall be deducted from the draw-down account. Notwithstanding the previous sentence, if the stated violation is corrected within 30 days from the date of the notice but said violation recurs any time within a six-month period, the stated penalty will be automatically deducted from the draw-down account upon such recurrence and the Permittee will be notified of such deduction. If the deposit is ever depleted by 50 percent of the initial deposit amount (\$15,000), the Permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit (\$30,000) within 10 business days of notification of the depletion. There shall be no limit to the number of supplemental deposits that may be required during the life of this grant.

If the Permittee is dissatisfied with any notice of violation as described in the preceding paragraph, the Permittee may appeal the notice of violation to a Hearing Officer pursuant to Section 22.60.390(C)(1) of the County Code within 15 days of receipt by the Permittee of the notice of violation. The Hearing Officer shall consider such appeal and shall take one of the following actions regarding the appeal:

- A. Affirm the notice of violation;
- B. Refer the matter back to the Director for further review with or without instructions; or
- C. Set the matter for public hearing before the Hearing Officer pursuant to Section 22.60.170, et seq., of the County Code, where applicable.

The decision of the Hearing Officer on the appeal under (A) (where no public hearing is held) and (C) (after the public hearing is held) shall be final and shall not be subject to further administrative appeal. If the Hearing Officer refers the matter back to the Director under (B), once the Director reconsiders the matter and renders a new decision, the appellate process described in the preceding paragraph shall apply to the new decision.

- 12. Nothing in these conditions shall be construed to require the Permittee to engage in any act that is in violation of any state or federal statute or regulation.
- 13. The Permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, annul, or seek damages or compensation in connection with this permit approval and/or the conditions of this permit approval, which action is brought within the applicable time period of section 65009 of the Government Code or other applicable limitation period. The County shall notify the Permittee of any claim, action, or proceeding, and the County shall reasonably cooperate in the defense.
- 14. The Permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding for damages resulting from water, air or soil contamination, health impacts or loss of property value during the operation, Closure and Post-Closure Maintenance of the County Project or the City/County Project, as the case may be.
- 15. Prior to the Effective Date, and thereafter on an annual basis, the Permittee shall provide evidence of insurance coverage to the Department of Public Works that meets County requirements as required and approved by the CAO and that satisfies all the requirements set forth in this Condition No. 15. Such coverage shall be maintained throughout the term of this grant and until such time as all Post-Closure Maintenance requirements are met by the Permittee and certified by the appropriate local, state and federal agencies. Such insurance coverage

shall include, but not be limited to, the following: general liability, automobile liability and pollution liability, clean-up cost insurance coverage, and an endorsement for "Sudden and Accidental" contamination or pollution. Such coverage shall be in an amount sufficient to meet all applicable state and federal requirements, with no special limitations.

16. In order to ensure that there will be sufficient funds at Closure to provide for the continued payment of insurance premiums for the period described in Condition Nos. 15 and 32 of this grant, within 60 months prior to the anticipated Closure Date, and annually thereafter, the Permittee shall provide financial assurance satisfactory to the CAO and the Department of Public Works showing its ability to maintain all insurance coverage and indemnification requirements of Condition Nos. 13, 14, and 15 of this grant. Such financial assurance shall be in the form of a trust fund or other financial instrument acceptable to the County.

TERMINATION REQUIREMENTS

17. The Facility shall be subject to the following termination requirements:
 - A. In the event the City/County Project becomes operational, this grant shall terminate either on the date that the Landfill reaches its Limits of Fill for the City/County Project, or 30 years from the Approval Date, whichever occurs first. At least six (6) months prior to the 25th anniversary of the Approval Date, if the Permittee has not exhausted the available Landfill capacity within the Limits of Fill depicted on Exhibit "A-2," the Permittee shall conduct a study to determine the remaining capacity of the Landfill. The study shall be submitted to the TAC for its independent review and upon its review, the TAC shall report to the Board its finding regarding the remaining capacity of the Landfill as authorized by this grant. Upon consideration of the TAC's finding, the Board shall establish a certain Termination Date for the Landfill, but in no event shall the Termination Date be a date that is later than 30 years after the Approval Date;
 - B. In the event the City/County Project does not become operational, the Termination date of this grant shall be the date that the Landfill reaches the Limits of Fill for the County Project, as that date is set forth in the Closure and Post-Closure Maintenance Plans in effect at that time.
 - C. Upon the Termination Date, either when operating as a County Project or as a City/County Project, as the case may be, the Facility shall no longer receive Solid Waste and/or Beneficial Use Materials for disposal or processing; however, the Permittee shall be authorized to continue operation of any and all facilities of the Landfill as are necessary to complete: (1) the mitigation measures required by this grant; (2) the Closure and Post-Closure Maintenance required by federal, state, and local agencies; and (3) all monitoring and maintenance of the

Environmental Protection and Control Systems required by Condition No. 32. No later than six months after the Termination Date, all Landfill facilities not required for the just-mentioned functions shall be removed from the subject property unless they are allowed as a matter of right by the zoning regulations then in effect;

- D. In the event the Permittee enters into a joint powers agreement ("JPA") or similar agreement for the operation of the City/County Project, as required by the City under Condition No. A.9 of the City Ordinance, the Permittee shall agree, at a minimum, to incorporate the Termination Date provisions in subsection A of this Condition 17 into the JPA or similar agreement; and
- E. Upon completion of the Post-Closure Maintenance Period, the Permittee shall contact the Department of Parks and the Santa Monica Mountains Conservancy to determine if either agency would be interested in accepting the Landfill for parkland purposes.

USE OF COMBINED SITE AND BRIDGE AREA

- 18. The purpose of this Condition No. 18 is to establish a framework to: (1) provide for landfill capacity in both the City and the County portions of the Landfill, insofar as that capacity is environmentally and economically appropriate and technically feasible; (2) make the landfill capacity available on an equitable basis to incorporated and unincorporated jurisdictions in the County; and (3) conserve, and if possible, prevent, destruction of oak trees and other significant ecological resources within the unincorporated County. The County believes that this purpose may be accomplished by requiring the Permittee to diligently pursue its entitlements from the City to allow substantial fill on the City side of the Landfill and, to the extent good engineering practice would allow, by encouraging the Permittee to maximize landfill operations on the City side of the Landfill.

The County acknowledges that the Permittee has obtained a SWFP from the City and all other permits and approvals necessary to operate the City Project. During the first five years of the City Project, landfill operations within the City are limited to the geographical area identified as Phase I of the City Project, as specified in Condition No. B.2.d of the City Ordinance ("Phase I").

Accordingly, pursuant to this grant, the Permittee shall diligently pursue a SWFP and all other permits and approvals necessary to develop and operate the City/County Project. If the approval of the City Project is invalidated by a court or is modified by the City to allow for a fill area that does not overlay the project area shown on Exhibit "A-2," or if a SWFP or other necessary approval for Phase II of the City Landfill, as specified in Condition No. B.2.d of the City Ordinance ("Phase II"), is denied, no portion of the County Project may thereafter extend beyond the Limits of Fill as shown on Exhibit "A-1" or the portions of the "Bridge Area" that may have been authorized by the County during the City Project. On

the date that any of these events occur, the Termination Date provisions in Condition Nos. 17(B) and 17(C) shall apply.

During the term of this grant, fill sequencing plans for landfill operations within the County's jurisdiction shall be first approved by the Director of Public Works to ensure consistency with the purpose of this Condition No. 18.

Prior to commencement of the operation of the City/County Project, no portion of the Landfill may extend beyond the Limits of Fill as shown on Exhibit "A-1," except that during the City Project, the Landfill may extend into the Bridge Area subject to the following limitations: (1) the Permittee shall not accept waste into the Bridge Area until a fill sequencing plan is approved by the Director of Public Works; (2) at least 50 percent of the cumulative total waste accepted by both the City Project and County Project measured on an annual basis shall be deposited on the City side; (3) the horizontal extension of the Bridge Area shall be restricted to an area not to exceed 20 acres; and (4) the Permittee has shown to the satisfaction of the Director of Public Works that (1) through (3) in this subsection have been met, and that landfill operations in the Bridge Area are necessary for the efficient operation of the eventual City/County Project.

Upon commencement of the operation of the City/County Project, the Limits of Fill shown on Exhibit "A-2" shall constitute the boundaries of the Landfill.

19. Pending the establishment of a JPA or similar agreement, as described in Condition No. 17(D), the Permittee shall not seek approval for any additional expansion in the County.

If the City denies the Permittee's request to complete any of the phasing designs specified in the City approval granted in the City Ordinance Condition No. B.2.d, the Permittee shall thereafter exclude all Solid Waste collected within the corporate limits of the City and transported in trucks under contract with the City from any portion of the Landfill within County territory. This exclusion shall continue in full force and effect until the County terminates the exclusion.

The Permittee shall notify the County at least 60 days prior to the adoption of any amendment to the City Ordinance or other agreement or instrument between the Permittee and the City that may impact the disposal capacity of the County Project or the City/County Project, or any condition of this grant. Copies of such amendment, agreement, or instrument shall be provided to the Los Angeles County Counsel, the Directors of the Department and the Department of Public Works, and to the County LEA.

20. The Permittee shall submit to all interested County departments and agencies, including County Counsel, the Department of Public Works, the Department, and the County LEA, copies of all agreements entered into between or among the Permittee, the City, and/or the County, including, but not limited to, any

memorandum of understanding ("MOU"), development agreement, JPA, or other instrument that:

- A. Establishes a joint powers authority or other entity or arrangement that requires collaboration between the parties on the permitting, operation, inspection, and enforcement of the City/County Project. The County LEA proposes to be designated as the lead agency in any JPA or similar agreement for the City/County Project for all SWFP activities and the single point of contact for coordinating all permitting, inspections and enforcement activities at the Facility. The actual responsibility for these functions shall be as set forth in the JPA or similar agreement;
- B. Establishes the City's and County's respective rights to use the Facility and/or establishes the allocation of Landfill capacity or disposal fees between the City and County;
- C. Establishes franchise fees, Landfill gas revenues, or other fees payable to the City, or bond and/or security arrangements with the City;
- D. Establishes an environmental education or community amenities program;
- E. Amends the City's approval of the Facility in connection with either the City Project or the City/County Project; or
- F. Amends the City's Mitigation Reporting and Monitoring Program for the Facility.

In addition to any other penalty provided by this grant or by law, the failure of the Permittee to comply with this Condition No. 20 shall result in any and all penalties described in Condition No. 11.

LANDFILL CAPACITY

21. The maximum tonnage capacity to be received by the Landfill shall be as follows:

- A. The City/County Project:

Weekly Tonnage Capacity

- I. Subject to the daily tonnage limit set forth in subsection II below, when operating as a City/County Project, the amount of Solid Waste that may be disposed of in the Landfill shall not exceed 66,000 tons per week, and the amount of Inert Debris and Beneficial Use Materials deposited shall not exceed 6,600 tons per week, for an overall total of all materials of 72,600 tons.

Daily Tonnage Capacity

- II. When operating as a City/County Project, the daily tonnage capacity of all materials received by the Landfill collectively in both jurisdictions, as described in subsection I above, shall not exceed 12,100 tons on any given day, six working days per week (based on the permitted maximum intake rate of 5,500 tons per day in the City and the permitted maximum intake rate of 6,600 tons per day in the County). The Permittee may allocate that total between the jurisdictions as it deems appropriate.

B. The County Project:

Weekly Tonnage Capacity

- I. Subject to the daily tonnage limit set forth in subsection II below, when operating as a County Project, the amount of Solid Waste that may be deposited in the Landfill for disposal shall not exceed 36,000 tons per week, and the amount of Inert Debris and Beneficial Use Materials deposited shall not exceed 3,600 tons per week, for an overall total of 39,600 tons per week.

Daily Tonnage Capacity

- II. When operating as a County Project, the daily tonnage capacity of all materials received by the Landfill, as described in subsection I above on the County side, shall not exceed 7,200 tons per day; provided, however, that the amount of Solid Waste disposed of in the Landfill on the County side shall not exceed 6,600 tons per day.
- C. The Board may increase the maximum amounts of daily and weekly tonnage allowed by this Condition No. 21 if, upon the joint recommendation of the County LEA and the Department of Public Works, the Board determines that an increase is necessary to appropriately manage the overall County waste stream for the protection of public health and safety, or if there has been a declared disaster or national emergency. Notwithstanding the preceding sentence, there shall not be allowed more than 313 total days during the life of this grant where the maximum tonnage amount exceeds the limits set forth in subsections (A) or (B) of this Condition No. 21, where applicable, excluding any days where the tonnage capacity was exceeded due to a declared disaster or national emergency.
22. Within 90 days of the Effective Date, or a longer period if approved by the Director of Public Works, the Permittee shall adopt appropriate measures to ensure that the method to determine the amount of tonnage disposal on the County side of the Landfill is accurate. These measures shall include, but not be

limited to: 1) requiring all solid waste haulers and other customers of the Permittee to submit accurate waste origin data; 2) implementing a system to verify the accuracy of the data submitted; 3) implementing a system to verify that Solid Waste reported as having originated in County unincorporated area actually has such origination; (4) adopting education and outreach programs for solid waste haulers and other customers of the Permittee regarding the need for accurate waste origin data; and 5) imposing penalties on solid waste haulers and other customers of the Permittee for non-cooperation with these measures, or for repeatedly providing false information regarding waste origin data to the Permittee. The waste origin verification and reporting program developed by the Permittee shall be approved by the Director of Public Works, and the Permittee shall submit the data from this program on a semi-monthly basis to the Department of Public Works for review. Based on the initial results from this program, the Director of Public Works may require the Permittee to modify the program or to develop or implement additional monitoring or enforcement programs to ensure that the intent of this Condition No. 22 is satisfied.

23. The Permittee shall operate the Facility in a manner that maximizes the amount of Solid Waste that can be disposed of in the Landfill, by, at a minimum:
- A. Implementing waste compaction methods to equal or exceed the compaction rates of comparable landfills in Los Angeles County as determined by the Department of Public Works;
 - B. Investigating the methods of diverting or reducing intake of high volume, low-density materials which are incapable of being readily compacted, to the extent determined appropriate by the Department of Public Works;
 - C. Investigating methods to reduce the volume of daily cover required at the Landfill as allowed by the appropriate regulatory agencies;
 - D. Utilizing waste materials received and processed at the Facility, such as shredded green waste, as an alternative to daily, intermediate, and final cover, to the extent such usage is deemed technically feasible and proper by the appropriate regulatory agencies. Notwithstanding the preceding sentence, automobile shredder waste, contaminated soil, cement kiln dust, dredge spoils, foundry sands, processed exploration waste, production waste, construction and demolition waste, shredded tires, and foam shall not be used as daily, intermediate, or final cover at the Landfill;
 - E. Recycling or otherwise diverting all Clean Dirt from disposal materials received at the Facility from off-site sources. No Clean Dirt from any source shall be disposed of at the Landfill without the prior approval from the Department of Public Works; and
 - F. Utilizing on-site Clean Dirt, whenever possible, instead of imported dirt, for daily, intermediate or final cover.

24. Notwithstanding any other provision of this grant, the Permittee shall not negligently or intentionally deposit Solid Waste into the Landfill which is required to be diverted or recycled under the City's and County's Source Reduction and Recycling Elements of the Countywide Integrated Waste Management Plan, adopted pursuant to Division 30 of the California Public Resources Code, and/or the Waste Plan Conformance Agreement, approved by the Board on June 26, 1996, between the County and Permittee pursuant to CUP 86-312-(5), as these documents and agreements may be amended.
25. Within 90 days of the Effective Date, and thereafter as is necessary, the Waste Plan Conformance Agreement referred to in Condition No. 24 shall be amended to be consistent with applicable City and County waste management plans. The Director of Public Works shall be authorized to execute all amendments to the Waste Plan Conformance Agreement on behalf of the County. The Agreement shall continue to provide for: (1) the control of and accounting for the Solid Waste entering into and, for recycled or diverted material, leaving the Landfill; (2) the implementation and enforcement of programs intended to maximize the utilization of available fill capacity as set forth in Condition No. 23; and (3) the implementation of waste diversion and recycling programs on- and off-site in accordance with applicable City and County waste management plans.
26. Prior to using this grant, the Permittee shall submit for review and approval by the Department of Public Works a plan which establishes a program to prevent unnecessary truck trips and illegal waste disposal at the Landfill. The program shall include, but not be limited to, the following elements:
 - A. A plan to schedule regular Landfill users, such as commercial and municipal haulers, to avoid having these users arrive at the Facility and be diverted to other landfills; and
 - B. A plan to reserve Landfill capacity for small commercial and private users.
27. The Permittee shall charge its customers higher tipping fees for delivering partial truck loads to the Facility, and for delivering trucks to the Facility during peak commuting hours. Notwithstanding the preceding sentence, in lieu of charging higher tipping fees, the Permittee may implement some other program, as approved by the Department of Public Works, to discourage this type of activity by its customers.
28. The following types of waste shall constitute prohibited waste and shall not be received nor disposed of at the Facility: incinerator ash; sludge; radioactive material; hazardous waste, as defined in Title 22, section 66261.3 of the California Code of Regulations; medical waste, as defined in section 117690 of the California Health & Safety Code; liquid waste, as defined in Title 27, section 20164 of the California Code of Regulations; waste that contains soluble pollutants in concentrations that exceed applicable water quality objectives; and waste which can cause degradation of waters in the State, as determined by the

RWQCB. The Permittee shall implement a comprehensive Waste Load Checking Program, approved by DPH-SWMP (the County LEA as of the Effective Date), to preclude disposal of prohibited waste at the Landfill. The program shall comply with this Condition No. 28, Part IV of the IMP, and any other requirements of the County LEA, the State Department of Health Services, the State Department of Toxic Substances Control, and the RWQCB.

The DPH-SWMP shall maintain at least one full-time inspector at the County Project at all times when waste is received and processed, and shall carry out all inspection duties set forth in the SWFP. In the event that the City/County Project becomes operational, the inspector shall continue such duties under any ultimate City/County LEA agreement that is entered into for the City/County Project. The Permittee shall compensate the DPH-SWMP for any personnel, transportation, equipment, and facility costs incurred in administering the provisions of this Condition No. 28 that are not covered by the fees paid for administration of the SWFP for the Landfill.

Notices regarding the disposal restrictions of prohibited waste at the Landfill and the procedures for dealing with prohibited waste shall be provided to waste haulers on a routine basis. These notices shall be printed in English and Spanish and shall be posted at prominent locations at the Facility and shall inform waste haulers that anyone intentionally or negligently bringing prohibited waste to the Landfill shall be prosecuted to the fullest extent allowed by law.

In the event that material suspected or known to be prohibited waste is discovered at the Facility, the Permittee shall:

- A. Detain the driver and obtain his/her driver's license and vehicle license number if the vehicle that delivered the waste is still on-site;
- B. Immediately notify all appropriate state and County agencies, as required by federal, state, and local law, and implementing regulations;
- C. If possession of the material is not immediately removed by a public official, store the material at an appropriate site designated by the State Department of Health Services and the RWQCB until it is disposed of in accordance with applicable state regulations;
- D. Maintain a manifest of the prohibited waste to be part of the Permittee's annual report required under the IMP, and to include, at a minimum, the following information:
 - I. A description, nature, and quantity of the prohibited waste;
 - II. The name and address of the source of the prohibited waste, if known;

- III. The quantity of total prohibited waste involved;
- IV. The specific handling procedures used; and
- V. A certification of the authenticity of the information provided.

Nothing in this Condition No. 28 shall be construed to permit the Permittee to operate the Facility in any way so as to constitute a Hazardous Waste Disposal Facility, as defined under state law.

OPERATING HOURS

29. The Facility shall be subject to the following operating hours:

The Facility may receive Solid Waste and Beneficial Use Materials only between the hours of 6:00 a.m. (scales open) to 6:00 p.m., Monday through Friday, and 7:00 a.m. to 2:00 p.m. on Saturday, except that Saturday hours may be extended until 6:00 p.m. if necessary to accommodate post-holiday disposal requirements, where there was limited or no trash pick-up on the holiday. The Landfill entrance gate at San Fernando Road may open at 5:00 a.m., Monday through Friday, and 6:00 a.m. on Saturday, except that the entrance gate may open earlier if necessary to allow on-site queuing of vehicles to accommodate post-holiday disposal requirements, where there was limited or no trash pick-up on the holiday. Notwithstanding the forgoing, Solid Waste and Beneficial Use Materials may be received at other times than those just described, except on Sundays, if the County LEA determines that extended hours are necessary for the preservation of public health and safety;

The Facility shall be closed on Sunday;

Facility operations, such as site preparation and maintenance activities, waste processing and the application of cover, may be conducted only between the hours of 6:00 a.m. and 9:00 p.m., Monday through Saturday. This operating restriction shall not apply to Facility activities that require continuous operation, such as gas control;

Equipment maintenance activities at the Landfill may be conducted only between the hours of 4:00 a.m. and 9:00 p.m., Monday through Saturday.

No diesel vehicle shall be started at the Facility before 5:00 a.m.; and

Notwithstanding anything to the contrary in this Condition No. 29, emergency operations, mitigation measures necessary to avoid negative environmental impacts, and equipment repairs, which cannot be accomplished within the hours set forth in this Condition, may occur at any time if approved by the County LEA.

30. The Permittee shall at all times, Monday through Saturday, maintain adequate on-site staff, with appropriate training and experience for the operation of the Facility. The staff's qualifications and level of experience shall be subject to approval of the County LEA, which may, in its discretion, establish minimum training requirements for designated positions at the Facility. All on-site staff shall be familiar with the conditions of this grant.
31. The Permittee shall post a sign at the entrance gate to the Landfill on San Fernando Road providing the following information:
 - A. The telephone number to contact the Permittee on a 24-hour basis to register complaints regarding the Facility's operations. Said telephone number shall be published in the local telephone directory;
 - B. The telephone number of the County LEA and the hours that the County LEA office is staffed; and
 - C. The telephone number of SCAQMD's enforcement offices and the hours that the SCAQMD offices are staffed.
32. The Permittee shall monitor and maintain the Facility's Environmental Protection and Control Systems in perpetuity, or until such time as the Director of Public Works determines that the routine maintenance and foreseeable corrective action that may be necessary during and after the Post-Closure Maintenance Period has been fully satisfied, and the Solid Waste disposed of in the Landfill no longer constitutes a threat to public health and safety, or to the environment.
33. To ensure that the Permittee has sufficient funds for the Landfill's Closure and/or the Post-Closure Maintenance, within 60 months prior to the anticipated Closure Date, and annually thereafter, the Permittee shall provide financial assurance satisfactory to the CAO and the Director of Public Works that it is financially able to carry out these functions. Such financial assurance shall be in the form of a trust fund or other financial instrument acceptable to the CAO and the Director of Public Works.
34. The County reserves the right to exercise its police power to protect the public health, safety, and general welfare of County residents by managing the County-wide waste stream, including regulating tipping fees and similar Facility rates, fees, or charges.
35. Except as otherwise provided in this Condition No. 35, areas outside of the Limits of Fill shall not be graded or similarly disturbed to create additional Landfill area, except that additional grading may be approved by the Director of Public Works if the Director determines, based on engineering studies provided by the Permittee and independently evaluated by the Director, that such additional grading or disturbance is necessary for slope stability or drainage purposes. Such a

determination by the Director shall be documented in accordance with Part I of the IMP, and the Permittee shall submit a revised site plan for review and approval by the Director of Public Works to show the additional grading and/or disturbance. A copy of the approved revised site plan shall be filed with the Director of the Department and the County LEA. Revisions to Exhibit "A-1" or Exhibit "A-2" shall not be authorized, and no site plan revision shall be approved, that in any way modifies the Limits of Fill.

For purposes of this Condition No. 35, prior to approving any excavation of more than five acres containing significant stands of oak and/or Douglas fir trees, the Director of Public Works shall confer with the Los Angeles County Forester and Fire Warden.

Nothing in this Condition No. 35 shall be construed as prohibiting the installation of water tanks, access roads, flares, or other similar facilities at the Facility, or implementing any mitigation program, required by this grant or by any other permit issued by a public agency in connection with the Landfill.

36. Notwithstanding anything to the contrary in this grant, no approval shall be granted to the Permittee that will modify the authorized Limits of Fill or that will lower or significantly modify any of the ridgelines surrounding the Landfill.
37. The Permittee shall comply with all grading requirements of the Department of Public Works and the County Code. In addition, the Permittee shall obtain prior approval from the Department of Public Works for all grading within the County's jurisdiction that is outside the Landfill footprint and all grading within the Landfill footprint that could impact off-site property, including, but not limited to, grading in connection with cell development, stockpiling, or excavation for borrow and cover materials.
38. The Permittee shall install appropriate drainage structures at the Facility to comply with all drainage requirements of the Department of Public Works, the RWQCB, and any other appropriate regulatory agency. Except as otherwise specifically provided by the Department of Public Works, all drainage structures, including sedimentation basins, shall be designed and constructed to meet all applicable drainage and grading requirements of the Department of Public Works, and all design and construction plans for these structures must have prior approval from the Department of Public Works. In all cases, the Landfill and its drainage structures shall be designed so as to cause surface water to be diverted away from disposal areas. All design modifications must have the prior approval from the Department of Public Works.
39. The Permittee shall install and maintain containment (liner) systems and leachate collection and removal systems as required by the RWQCB. The design of landfill liners in the County portion of the Landfill shall be as approved by the RWQCB and shall be of equal or better effectiveness to the design of landfill liners approved by the RWQCB for the City side of the Landfill.

40. The Permittee shall install and test any and all groundwater monitoring wells that are required by the RWQCB and shall promptly undertake any action directed by the RWQCB to prevent or correct potential or actual contamination that may affect groundwater quality, or water conveyance or water storage facilities. For purposes of this Condition No. 40, water storage facilities include the Metropolitan Water District Balboa Inlet Tunnel, the City Aqueduct, and Van Norman Reservoir. Prior to the commencement of the City/County Project, all testing and remedial actions required by the RWQCB to detect, prevent, and/or correct groundwater contamination shall be completed or guaranteed to be completed to the satisfaction of the RWQCB with notice to the Department of Public Works.
41. The Permittee shall operate the Facility so as to conserve water by, at a minimum, adopting the following measures:
- A. Ensuring that all water wells used for the Landfill shall draw from the Sunshine Canyon Watershed, if such usage is approved by the appropriate agencies;
 - B. Investigating the feasibility of treating collected leachate on-site for reuse in the Landfill and, if feasible and the appropriate agencies approve, implementing a program to use such water;
 - C. Using soil sealant, pavement, and/or other control measures for dust control wherever possible, in preference to water; and
 - D. Using drought-tolerant plants to re-vegetate the Landfill slopes and other disturbed areas to the extent feasible, as determined by the Director of the Department. Plant types shall blend with species indigenous to the area and shall be capable of rapid growth.
42. The Permittee shall develop and obtain approval from the Department of Public Works for a Standard Urban Storm Water Mitigation Plan for the Landfill's activities, unless the Department of Public Works determines that such plan is unnecessary.
43. The Permittee shall be prohibited from initiating any activity for which an Industrial Waste Disposal Permit and/or Underground Storage Tanks Permit is required at the Facility before the required or revised permit is obtained from the Department of Public Works. The activities covered by this Condition No. 43 include, but are not limited to, the installation, modification, or removal of any underground storage tank and/or industrial waste control facility. For purposes of this Condition No. 43, an industrial waste control facility includes its permanent structures for treating post-development storm water runoff.
44. The Permittee shall comply with the following cover and re-vegetation requirements at the Landfill:

- A. The Permittee shall apply a temporary hydroseed vegetation cover on any slope or other Landfill area that is projected to be inactive for a period greater than 180 days, as set forth in the IMP. The Permittee shall promptly notify the County LEA and the Department of Public Works of any such slope or area;
- B. Prior to disposing of any Solid Waste within 10 feet of the boundary of the Limits of Fill, the Permittee shall submit to the County LEA and the Director of the Department for review and approval an interim reclamation and re-vegetation plan, which plan shall include the timing of the proposed work;
- C. No final cut slopes shall be steeper than 1.5:1 (horizontal to vertical ratio, excluding benches), and all final cut slopes shall be approved by the Department of Public Works in accordance with said Department's grading requirements;
- D. Except as otherwise provided in this Condition No. 44, all final fill slopes shall be reclaimed and re-vegetated in lifts substantially in conformance with Figure 5, "Typical Cross-Section Final Landfill Cover and Re-vegetation Plan," Page 39, Final Environmental Impact Report ("FEIR"), Volume A, Responses to Comments (dated July 13, 1990), which figure is attached as Exhibit "B" to the Responses to Comments, and also as described in the "Sunshine Canyon Landfill Extension Re-vegetation/Closure Plan," FEIR, Volume A, Responses to Comments, Appendix 3, which figure and plan are attached as Exhibit "C";
- E. Notwithstanding the foregoing, the Permittee shall not be bound by the previous provisions of this Condition No. 44, but instead by the requirements of the County LEA, so long as the Limits of Fill are not exceeded, if in consultation with the Department of Public Works, the County LEA determines that a different re-vegetation design or plan: (1) would better protect public health and safety; (2) would enable re-vegetation of the final slopes at least as well as shown in Exhibit "B" described in subsection D, above; and/or (3) would be required because the minimum standards adopted by the CIWMB have been amended.
- F. The Permittee shall employ an expert or experts, including an independent, qualified biologist, to satisfy this Condition No. 44. Soil sampling and laboratory analysis shall be conducted in all areas that are required to be re-vegetated before any re-vegetation occurs to identify chemical or physical soil properties that may adversely affect plant growth or establishment. Soil amendments and fertilizer recommendations shall be applied and plant materials selected, based on the above-referenced testing procedures and results. To the extent possible, plant types shall blend with species indigenous to the area, be drought tolerant, and be

capable of rapid growth. The selected plants shall not include non-indigenous species that are likely to be invasive of adjacent natural areas.

45. The Permittee shall adopt a fugitive dust program that uses the most effective available methods and technology to avert fugitive dust emissions. In addition to the re-vegetation measures in Condition No. 44, the program shall include, at a minimum, a requirement that:
- A. The Permittee shall not engage in any excavation or other Landfill activity during high wind conditions, or when high wind conditions are reasonably expected to occur, where such excavation or operation will result in significant emissions of fugitive dust affecting areas not under the Permittee's control;
 - B. The Working Face areas of the Landfill shall be limited to small contained areas not exceeding: (1) an aggregate of 10 acres when the Facility is operating as the City/County Project; (2) an aggregate of three to five acres when the Facility is operating as the County Project; or (3) a smaller area if it is determined by the County LEA that such a smaller Working Face area will better protect public health and safety. During periods of the year when high wind conditions may be expected, the Working Face areas shall each be located in an area of minimal wind exposure, or be closed, if closure is deemed necessary by the County LEA. Non-Working Face areas shall be confined to sites of less than five acres each;
 - C. Except when there is sufficient rain or moisture to prevent dust, daily cover shall be watered, and when conditions dictate for dust control to retard erosion, soil sealant shall be used in addition to water;
 - D. Except when there is sufficient rain or moisture to prevent dust, all active Working Face and soil Stockpile areas shall be watered daily, unless wind conditions dictate otherwise, whereby soil sealant shall be used in addition to water. To the extent feasible, and as determined appropriate by the Director of Public Works to reduce the transport distance of soil, cover material for one portion of the Facility shall be obtained from soil excavated from an adjacent area;
 - E. If determined necessary by the County LEA, the Permittee shall, on any day preceding a day when the Facility is closed to Solid Waste receipt, apply soil sealant to any previously active Working Face or soil stockpile area that has not already been sealed or re-vegetated;
 - F. Inactive areas of exposed dirt that have been sealed shall be regularly monitored to determine the need for additional sealing and to prevent unauthorized access that might disturb the sealant. If additional sealing treatment is required, the Permittee shall promptly apply such treatment to assure full control of the soil particles;

- G. All primary access roads to any permanent facility and Working Face areas in the Landfill shall be paved;
- H. To minimize the length of dirt roads, paved access roads to fill areas shall be extended as new fill areas are opened. Winter deck access roads shall be paved or surfaced with recycled asphalt, aggregate materials, or soil stabilization products to minimize the quantity of untreated dirt;
- I. All paved roads in regular use shall be regularly cleaned to remove dirt left by trucks or other vehicles;
- J. Except when there is sufficient rain or moisture to prevent dust, all dirt roads in regular use shall be watered at least once daily on operating days and more often if required by the County LEA or the Director of Public Works, or otherwise treated to control dust emissions;
- K. Loads of Solid Waste capable of producing significant dust shall be watered during the landfill process. If such practice is deemed unacceptable to the RWQCB, the Permittee shall develop alternative methods to minimize dust generation during the landfill process and obtain approval of the method from the Director of Public Works within 90 days of the Effective Date.
- L. In addition to any fire flow requirements of the County Forester and Fire Warden, the Permittee shall maintain sufficient water tanks and piping on-site to supply a minimum of at least one full day's maximum water usage by gravity, as determined by the County LEA, to the active Working Face areas for dust control;
- M. The Permittee shall install and maintain devices on-site, as approved by the SCAQMD, to monitor wind speed and direction, and shall retain qualified personnel who can read and interpret data from these devices, can obtain and use information on predicted wind conditions, and can assist in the Facility's operations related to this information; and
- N. The Permittee shall submit a quarterly report to the Director of Public Works identifying: (1) all fugitive dust and odor complaints from local residents that the Permittee has received for that quarter regarding the Landfill; (2) all notices of violation issued by the SCAQMD or the County LEA; and (3) all measures undertaken by the Permittee to address these complaints and/or correct the violations. The Director of Public Works and the DPH-SWMP shall each have the authority to require the Permittee to implement additional corrective measures for complaints of this nature when such measures are deemed necessary to protect public health and safety.

46. The Permittee shall adopt a program that uses the most effective available methods and technology to prevent waste that has entered an area under the Permittee's control from escaping the area in the form of litter. Notwithstanding any other provision of this Condition 46, or of this grant, the Permittee shall cease accepting incoming waste during high wind conditions if, despite the methods and technology used, waste cannot be confined to areas under the Permittee's control.

The Permittee's litter control program shall include the following requirements, unless the County LEA requires otherwise:

- A. Facility personnel shall continuously patrol the access road to the Landfill scales during the Landfill's hours of operation and remove any litter found during the patrol;
 - B. Loads of Solid Waste that are improperly covered or contained and which may create significant litter shall be immediately detained, and if practicable, correctly covered or contained prior to proceeding to the Working Face. If such a remedial measure cannot be taken, the load shall proceed to the Working Face under escort;
 - C. All debris found on or along the entrance to the Landfill and/or Working Face access roads shall be immediately removed; and
 - D. At every active Working Face area, the Permittee shall install a primary portable litter fence eight feet in height, and also a secondary fence four feet in height behind the primary fence when wind conditions dictate the need for a secondary fence. The Permittee shall employ any and all additional measures as necessary to control litter. On windy days, and when the fences are not sufficient, the Working Face shall be located within areas of minimal wind exposure or shall be closed, if so required by the County LEA. The County LEA may require additional measures deemed necessary to effectively control litter.
47. Within 90 days of the Effective Date, the Permittee shall develop best available methods and/or procedures to prevent vehicles from leaving the Facility carrying dirt and/or debris that may be dislodged onto local streets and highways.
48. In addition to the requirements described in Condition Nos. 46 and 47, the Permittee shall develop and maintain a litter control and recovery program to the satisfaction of the Director of Public Works and the County LEA designed to control the discharge and recovery of off-site litter from uncovered or improperly covered or contained loads traveling to the Facility or otherwise emanating from the Landfill, including conducting regular inspections of the surrounding neighborhoods and recreational parks within a 1.5-mile radius of the property boundary of the combined City and County Landfill. Based upon the inspection, the Permittee shall collect and remove all wind-blown trash or litter encountered

in the neighborhoods and recreational parks within that radius. The Permittee shall maintain a log of the inspections, provide the log upon request to the County LEA, and include a copy of the log in the annual report required pursuant to Part X of the IMP.

49. The Permittee shall at all times, 24 hours a day, Monday through Saturday, maintain adequate staff on-site to promptly respond to complaints from the surrounding neighborhood regarding dust, litter, or other operational issues. In addition, the Permittee shall maintain a hotline/emergency log at the Facility which shall record all complaints received regarding Landfill operations, the Permittee's follow-up action to the complaints, and their final resolution.
50. The Permittee shall at all times, 24 hours a day, seven days a week, maintain at least one staff person on-site, with sufficient expertise to assess the need for remedial action regarding complaints or operation-related accidents, and with the requisite authority and means to assemble the necessary resources to take such remedial action. The individual must be able to be reached on a continuous basis through the telephone number posted at the Landfill entry gate.
51. As required by the SCAQMD, the Permittee shall adopt and implement operational practices to mitigate air quality impacts including vehicular air quality impacts at the Landfill.
52. To the extent technically and economically feasible, the Permittee shall use Landfill gas for energy generation at the Facility or other beneficial uses, rather than flaring, and shall obtain all applicable local, state, and/or federal approvals for any such use. Notwithstanding the forgoing, the Permittee shall be exempt from this Condition No. 52 if, as a part of its annual report required by Part X of the IMP, the Permittee determines that any such activity or project is infeasible, which determination shall be subject to the review and approval of the Director of Public Works.

The Permittee shall also install and maintain a landfill gas collection system complying with SCAQMD requirements, which uses best available control technology to control the lateral migration of gases to the satisfaction of the Director of Public Works, County LEA, and SCAQMD.

In addition to the other requirements of this Condition No. 52, Landfill gas flares shall be installed below the adjacent interior ridges of the site, unless otherwise required by the SCAQMD, and the flames shall be totally contained within the stacks. Flame arrestors shall be provided to the satisfaction of the County Forester and Fire Warden.

53. The Permittee shall take all necessary measures to ensure that noise emissions from the Facility at all residential receptors are within the acceptable limits of the Los Angeles County Noise Ordinance, as contained in Chapter 12.08 of the County Code.

54. For fire protection purposes, the Permittee shall maintain on-site fire response capabilities, construct access roads, perform brush clearance, and provide water tanks, water mains, fire hydrants, and fire flows, all to the satisfaction of the County Forester and Fire Warden.
55. All on-site fuel storage tanks shall be installed and necessary containment and air quality controls for the tanks provided, in accordance with the requirements of the County Forester and Fire Warden, the Department of Public Works, the RWCQB, and the SCAQMD.
56. The Permittee shall implement effective vector control measures at the Facility, as directed by the County LEA.
57. Prior to operating the Landfill as a City/County Project, the Permittee shall install the required traffic improvements outlined in the Supplemental Traffic Data Information report dated June 28, 2004 ("Traffic Report") in the supporting environmental documentation for this project and on file at the Department, to the satisfaction of the City Department of Transportation and Caltrans, at the following intersections:
 - A. San Fernando Road at Sierra Highway;
 - B. San Fernando Road at the Facility's entrance;
 - C. San Fernando Road at Balboa Boulevard;
 - D. Roxford Street at the I-5 Southbound On/Off Ramps;
 - E. Roxford Street at the I-5 Northbound Off Ramp; and
 - F. Roxford Street at the I-5 Northbound Off Ramp/Encinitas Avenue.
58. Prior to operating the Landfill as a City/County Project, the Permittee shall pay Caltrans an amount not to exceed \$422,183 for the freeway transportation improvements outlined in the Traffic Report. The cost of any other project-related mitigation within Caltrans' jurisdiction shall be counted towards this financial obligation.
59. Prior to operating the Landfill as a City/County Project, the Permittee shall install traffic signs along San Fernando Road acceptable to the City Department of Transportation to warn of possible heavy truck traffic near the Facility's entrance. In addition, the Permittee shall ensure to the fullest extent possible that the bicycle lane along San Fernando Road is not adversely impacted by the increased truck traffic at or near the Facility.
60. Prior to operating the Landfill as a City/County Project, the Permittee shall install street lights along the Landfill's frontage of San Fernando Road to the satisfaction of the City Bureau of Street Lighting.

61. The Department of Public Works, the County LEA, and the Community Advisory Committee shall monitor the performance of the conditions of this grant designed to minimize truck traffic. In the event such measures are found to be inadequate, such entity or entities shall notify the Director of the Department and describe the inadequacy of the conditions. Based on this notice, the Director of the Department may, pursuant to the modification procedures of the County Code for conditional use permits, recommend to the Commission that this grant be modified to add measures to ensure the adequacy of these traffic-related conditions.
62. The Permittee shall develop and implement a program to identify and conserve all significant archaeological and paleontological materials found on-site pursuant to Part VII of the IMP. If the Permittee finds any evidence of aboriginal habitation or fossils during earthmoving activities, Landfill operations shall immediately cease in that immediate area, and the evidence and area shall be preserved until a qualified archaeologist or paleontologist, as appropriate, makes a determination as to the significance of the evidence. If the determination indicates that the archaeological or paleontological resources are significant, the resources shall be recovered to the extent practicable prior to resuming Landfill operations in that immediate area of the Landfill.
63. The Permittee shall work with the California Department of Fish and Game, the United States Army Corps of Engineers, and the City of Pasadena to monitor the approved and implemented wetlands and riparian habitat restoration project (Lower Arroyo Seco Restoration Project, Corps File Number 94-00124-AOA, California Department of Fish and Game Streambed Alteration Agreement Number 5-445-91), as required by the requirements of that project until the project is accepted by the City of Pasadena.

PERMITTEE FEES (CONDITIONS 64 THROUGH 72)

The requirement that the Permittee pay the fees set forth in Condition Nos. 64 through 72, inclusive, shall not begin until the Effective Date. Prior to that date, any and all fees required by CUP 86-312-(5) shall remain in full force and effect. The following fees are cumulative and are in addition to any other fee or payment required by this grant.

64. The Permittee shall pay an annual fee to the County equal to 10 percent of the sum of the following, net any amount the Permittee pays to the County pursuant to Section 4.63, et seq., of the County Code:
 - A. The net tipping fees collected at the Facility for the County Project, or when operating as the City/County Project, the fees allocated to the County pursuant to any revenue allocation agreement between the City and County, as described below in this Condition No. 64. For purposes of this Condition No. 64, "net tipping fee" shall mean the total fees collected, less any fees or taxes imposed by a federal, state, or local agency that is

included in the fee charged by the Permittee at the Facility entrance, except that any franchise fee or enforcement fee imposed by the City shall be included in the amount of the net tipping fee. "Total fees collected" shall be calculated as the total gross receipts collected by the Permittee;

- B. The revenue generated from the sale of Landfill gas at the Facility, less any federal, state, or local fees or taxes included in such revenue, except that any franchise fee or enforcement fee imposed by the City shall be included in such revenue; and
- C. The Revenue generated by any other activity at the Facility, less any federal, state, or local fees or taxes included in such revenue, except that any franchise fee or enforcement fee imposed by the City shall be included in such revenue.

Prior to operating as a City/County Project, the Permittee shall enter into a revenue allocation agreement with the City and County, which shall be approved and executed by all three parties, and which shall, at a minimum, establish the allocation of Landfill disposal fees between the City and County. The Board shall be the party that may execute this agreement on behalf of the County.

- 65. The Permittee shall pay on a monthly basis to the Department of Public Works a fee of 25 cents per ton of Solid Waste disposed of at the County Project, or in the County portion of the City/County Project, as the case may be. This fee shall be used for the implementation and enhancement of waste diversion programs in County unincorporated areas.
- 66. By March 31 of each year, the Permittee shall pay to the Department of Parks an annual fee of 50 cents per ton of Refuse disposed of within the County Project, or within the County portion of the City/County Project, as the case may be. This annual payment shall be deposited into an interest bearing trust fund established to provide for the development of natural habitat and parkland within the County. No monies from this trust fund shall be used for projects or programs that benefit areas outside the communities surrounding the Landfill. The Department of Parks shall administer the trust fund, and all monies in the trust fund, including accrued interest, shall be spent by the Department of Parks in the manner determined and directed by the 5th Supervisorial District.
- 67. By March 31 of each year, the Permittee shall pay to the Department of Public Works an annual fee of 50 cents per ton of Refuse disposed of within the County Project, or within the County portion of the City/County Project, as the case may be. This annual payment shall be deposited by the Director of Public Works into an interest bearing trust fund established to provide funding for transportation improvements in the areas surrounding the Landfill. The Department of Public Works shall administer this trust fund, and all monies in the trust fund, including accrued interest, shall be spent by the Department of Public Works in the manner determined and directed by the Fifth Supervisorial District.

68. By January 10 of each year, the Permittee shall pay to the Director of the Department an annual fee of \$81,000 to be used to finance planning studies, including, but not limited to, studies related to Significant Ecological Areas ("SEA's") in the area surrounding the Landfill, and neighborhood planning studies for surrounding neighborhoods, as determined by the Director of the Department. This annual payment shall be held in an interest-bearing account, and shall be combined with any remaining funds from CUP 86-312 collected for SEA planning studies.
69. Pursuant to Goal 2.4.2 of the Los Angeles County Countywide Siting Element adopted by the Board in 1997, and the Board's policy adopted on July 27, 1999 to promote the development of alternatives to landfill and incineration processes, the Permittee shall contribute \$200,000 annually, not to exceed \$2,000,000 for the life of this grant, to an alternative technology development fund, which fund shall be an interest bearing account established and maintained by the Director of Public Works. This fund shall be used to research, promote, and develop the alternative technologies that are most appropriate for Southern California from an environmental and economic perspective. The determination of appropriate alternative technologies shall be made by the Director of Public Works together with the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force ("Task Force"); the determination regarding use of the fund shall be made by the Director of Public Works after consultation with the Task Force. Within six months after the Effective Date, the Permittee shall deposit its first \$200,000 payment required by this Condition, and thereafter annually by April 1. The Alternative Technology Subcommittee of the Task Force shall include a representative of the Permittee and the North Valley Coalition of Concerned Citizens.
70. For the life of this grant, the Permittee shall make a monthly payment of \$1 per ton of Solid Waste disposed of at the Landfill to an interest-bearing community benefit and environmental education trust fund, created and maintained by the Director of the Department. This fund shall be used to fund environmental, educational, and quality of life programs in the unincorporated surrounding communities, and to fund regional public facilities that serve these communities. All monies in the fund shall be spent by the Director of the Department in the manner determined and directed by the Fifth Supervisorial District.
71. During Phase I of the City Project, the Permittee shall fund five (5) collection events per year to be held by the Director of Public Works for the collection of household hazardous waste and Electronic Waste, including discarded computers. After Phase I is complete, the Permittee shall fund 11 such collection events annually. The cost of each event shall be the lesser of: (1) \$100,000, adjusted annually for any increase in the Consumer Price Index (CPI) for all urban consumers in the Los Angeles, Anaheim, and Riverside areas, as published by the United States Government Bureau of Labor Statistics; or (2) the average cost for such events over the preceding 12 months, as determined by the Director of Public Works. The Permittee shall make semi-annual payments

for these events, on April 1 and October 1 of each year, to the Director of Public Works, which payment shall cover the cost of all collection events for the preceding six month period.

72. The Permittee shall deposit the sum of \$50,000 with the Department to establish a draw-down account, from which actual costs will be billed and deducted for the purpose of defraying the expenses involved in the Department's review and verification of any and all information contained in the required reports of this grant, and any other activity of the Department to ensure that the conditions of this grant are satisfied, including, but not limited to, carrying out the following activities: enforcement, permitting, inspections, coordination of mitigation monitoring, providing administrative support in the oversight and enforcement of these conditions, performing technical studies, and hiring independent consultants for any of these purposes. If the actual costs incurred pursuant to this Condition No. 72 have reached 80 percent of the amount of the initial deposit (\$40,000), and the Permittee has been so notified, the Permittee shall deposit supplemental funds to bring the balance up to the amount of the initial deposit (\$50,000) within 10 business days of such notification. There is no limit to the number of supplemental deposits that may be required during the life of this grant. At the sole discretion of the Permittee, the Permittee may deposit an initial or supplemental amount that exceeds the minimum amounts required by this Condition No. 72.
73. The Permittee shall support legislation and regulations that will promote the development of Conversion Technologies. Such legislation and regulations should, at a minimum:
 - A. Provide economic incentives for the development of Conversion Technologies;
 - B. Remove from the definition of transformation under section 40201 of the California Public Resources Code any technologies and/or processes categorized as Conversion Technologies;
 - C. Provide full diversion credit for waste managed by these Conversion Technologies towards the State's waste reduction mandates; and/or
 - D. Remove any unnecessary regulatory hurdles that impede such development.
74. The approval of this grant in no way supersedes or affects the terms and conditions of Oak Tree Permit No. 86-312-(5), and the Permittee shall continue to comply with all such terms and conditions.
75. The Permittee shall continue working with the waste industry, in concert with cities, the County, and other stakeholders in the industry, to seek amendment of existing laws and regulations to require that compliance with the State's waste

reduction mandates be measured by diversion program implementation as opposed to disposal quantity measurement, and to further require the State-mandated Disposal Reporting System to be used solely to identify waste generation and disposal trends.

76. The Permittee shall implement a vehicle tarping program at the Facility, as approved by the Director of Public Works, to discourage untarped vehicles from using the Facility. All vehicles loaded with Solid Waste or any other material that creates the potential for litter shall, to the greatest extent possible, be tarped when entering and leaving the Facility, and no such vehicle shall be allowed to enter the Facility until the driver has been informed of the tarping requirements and has been asked to have his/her load covered. In addition to any other penalty set forth in this grant, repeat violators of this Condition No. 76 shall be subject to the penalties described in the vehicle tarping program and may be permanently prohibited from using the Facility.
77. The Permittee shall be subject to the following requirements regarding non-diesel, alternative fuel vehicles and equipment:
 - A. Upon the Effective Date, all light-duty vehicles operating at the Facility shall be alternative fuel vehicles, to the extent deemed technologically and economically feasible by the TAC;
 - B. Within the first year after the Effective Date, the Permittee shall purchase, and put into operation, 10 alternative fuel Refuse collection trucks or transfer trucks at the Facility, to the extent deemed technologically and economically feasible by the TAC;
 - C. Within the first year after the Effective Date, the Permittee shall prepare and submit an alternative fuel vehicle report to the TAC for review and approval. The report shall contain information on available alternative fuel technologies and their economic feasibility, as well as other information deemed necessary by the TAC to determine the feasible use of alternative fuels at the Facility;
 - D. Within the first year after the Effective Date, the Permittee shall design and implement at least one heavy-duty, alternative fuel off-road equipment pilot program, to the extent deemed technologically and economically feasible by the TAC;
 - E. Within three years after the TAC determines that non-diesel, alternative fuel vehicles are technologically and economically feasible:
 1. The Permittee shall require all transfer trucks entering the Facility to be non-diesel alternative fuel vehicles; and

2. All transfer trucks and collection trucks owned or leased by the Permittee and used at the Facility shall be non-diesel alternative fuel vehicles;
 - F. Within six years after the TAC determines the appropriate technological and economic feasibility, 75 percent of all of truck trips entering the Landfill, with a Solid Waste capacity of at least nine tons, shall be made by non-diesel alternative fuel vehicles;
 - G. With the assistance of the SCAQMD and the DPH-LEA, the Permittee shall use its best efforts to participate in a clean fuel demonstration program with one or more types of off-road heavy-duty equipment; and
 - H. As part of its annual report to the TAC required by the IMP, the Permittee shall submit an ongoing evaluation of its compliance with each component of this Condition No. 77. The Permittee may appeal the requirements of this Condition No. 77 to the Director of the Department in accordance with the procedure described in Condition No. 11 for the appeal of a notice of violation, but only on the bases of whether a particular alternative fuel is technologically or economically feasible.
78. The Permittee shall not receive any Solid Waste for disposal in the Landfill originating outside of Los Angeles County;
 79. The Permittee shall prepare and distribute to all interested persons and parties, as shown on the interested parties list used by the Department for this matter, and to any other person requesting to be added to the list, a quarterly newsletter providing the Facility's website and its 24-hour emergency telephone numbers, and also providing the following information for the quarter: (1) "What is New" at the Facility; (2) the regulatory and permitting activities at the Facility; (3) the hotline/emergency log for the period; and (4) a summary of any and all progress reports and/or annual reports required by this grant. The newsletter shall be posted on the Facility's website and distributed to at least one local library. In addition, the Permittee shall notify the Community Advisory Committee, as described in Part IX of the IMP, the Granada Hills North Neighborhood Council, and any other interested community group in the immediate vicinity of the Facility, of any operational change at the Facility that was not fully analyzed in the supporting environmental documentation for this project, and the Permittee shall provide such entities or groups an adequate opportunity to comment on and, if necessary, to request hearings and CEQA findings for, these operational changes.
 80. The Permittee shall remove all graffiti in public view on buildings and structures at the Facility within 48 hours of its placement. The Permittee shall also establish and maintain a graffiti deterrent program approved by the DPH-LEA and submitted to the Graffiti Abatement Section of the Department of Public Works.

81. The Permittee shall conduct air quality monitoring at the Facility and its surrounding areas. In addition, an independent air quality consultant selected by the TAC shall conduct at least four random tests per year of Landfill dust and diesel particulates surrounding the perimeter of the Facility to determine whether air quality near the Landfill is consistent with the supporting environmental documentation for the City Project (i.e., the City's Final Supplemental Environmental Impact Report or "FSEIR"). The consultant review shall place added emphasis on the area south of the Landfill above the nearby residential community. The cost of the consultant and the tests shall be borne entirely by the Permittee. The consultant report shall be provided to the Director of the Department, the TAC and the Permittee within 15 calendar days after completion of the tests.

If any of the test results are inconsistent with the FSEIR as described in the consultant report, the Permittee shall submit a corrective action plan to the TAC within 15 days after receipt of the report to set forth a schedule for remedial action. The TAC shall consider the corrective action plan within 30 calendar days of its receipt and provide notice to the Permittee if such plan has been approved. If the TAC does not approve the corrective action plan, the Director of the Department may impose additional or different measures to reduce air quality impacts at the Facility. These additional measures may include requirements that the Permittee: (1) pave additional unpaved roads at the Facility; (2) water and apply soil sealant to additional Working Face areas; (3) relocate Working Face areas to designated locations during windy conditions; (4) monitor sensitive sites throughout the community; and/or (5) close the Facility during extreme wind conditions. The Permittee may appeal the Director's decision in accordance with the appeal provisions in Condition 11 for an appeal of a notice of violation.

The Director of the Department, with the advice of the TAC, may reduce the frequency of the consultant testing, or discontinue it altogether, if the Director finds that the test results are invalid or lack beneficial value.

In addition to the consultant's other duties under this Condition No. 81, within one year after the Effective Date, the consultant shall conduct testing of landfill gas, dust, and diesel particulates at Van Gogh Elementary School, and based on these results, shall project emissions for the development of the Landfill, and shall conduct on-site monitoring of these emissions consistent with SCAQMD rules and regulations. The test results and mitigations measures, if any, shall be submitted to SCAQMD and the TAC for evaluation and approval.

Notwithstanding the above, the TAC may rely upon the information and reports developed in compliance with the City's air quality requirements of Condition C.10.a of the City Ordinance, provided that such information and reports and their background data and analysis are deemed acceptable by the TAC to satisfy the intent of this Condition No. 81.

82. Within 90 days after the Effective Date, the Permittee shall install video monitoring equipment at the Facility to monitor Landfill operations at each Working Face area and at other critical locations to ensure compliance with the conditions of this grant. Copies of the video tapes shall be provided to DPH-LEA and the TAC upon request, and shall be kept and maintained at the Facility for one year after taping, unless the DPH-LEA determines, at its sole discretion, that the video tapes should be kept for a longer period to protect public health, safety, or the environment.
83. The Permittee shall provide access to a back-up generator for emergency use in case of a prolonged power outage at the Facility to prevent the migration/emission of Landfill gas, unless such a use is otherwise prohibited by SCAQMD due to air quality concerns.

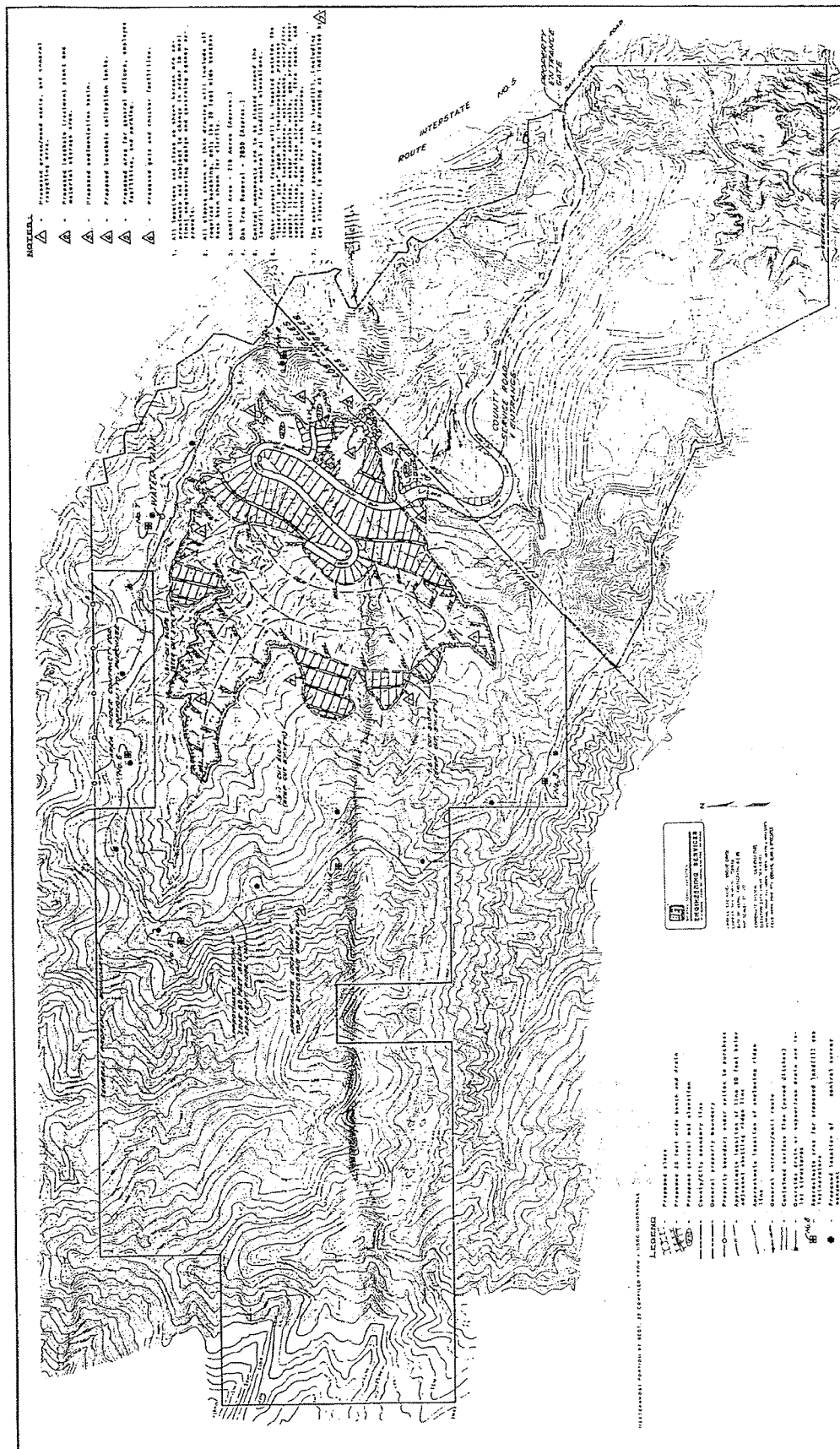


EXHIBIT "A"

[illegible]

As Approved Richard F. Leger

BFI

Sunshine Canyon Landfill
Replacement Conditional Use Permit 00-194--(5)

IMPLEMENTATION AND MONITORING PROGRAM
PROJECT NUMBER 00-194-(5)
SUNSHINE CANYON LANDFILL EXPANSION
Attachment to the Conditions of Grant for
Conditional Use Permit Number 00-194-(5)

PURPOSE. This implementation and monitoring program ("IMP") is intended to implement and ensure compliance with the conditions of this grant and to complement the enforcement and monitoring programs routinely administered by County¹ agencies and non-county public agencies.

PART I - LANDFILL ELEVATIONS. The following measures shall be carried out to monitor compliance with Conditions Nos. 2, 7, 17, 18, 23, 32, 35, and 36 of this grant, which establish the Limits of Fill.

- A. Before commencing expansion of the Landfill beyond the limits established by Conditional Use Permit 86-312-(5), the Permittee shall install survey monuments around the perimeter of the Landfill, as depicted on Exhibit "A-1" and Exhibit "A-2," and as established by the limits of Condition No. 18.

The specific spacing, location, and characteristics of the survey monuments shall be as specified by the Director of Public Works and shall be at points where they will not be subject to disturbance of Landfill development.

The survey monuments shall be inspected and approved by the Director of Public Works after installation, and the "as installed" plan shall be provided to DPH-SWMP and to the Director of the Department.

Not less than 60 nor more than 90 days before the deadline for the annual monitoring report required by Part X of this IMP, the Permittee shall cause a licensed surveyor or registered civil engineer to conduct a survey of the Landfill's elevations and submit the results to the Director of Public Works for approval. Additional elevation surveys shall also be conducted by either of these professionals under the following circumstances: 1) in the event of an earthquake of magnitude (Richter) 5.0 or greater in the vicinity of the Facility; 2) as directed by the Director of Public Works or the DPH-SWMP; or 3) upon completion of the Landfill's final fill design.

The Director of Public Works may also conduct or order on-site surveys as he or she deems necessary and shall promptly report any apparent violation revealed by the survey to the Director of the Department and the DPH-SWMP.

¹ Unless otherwise defined in this IMP, defined terms herein shall have the same meaning as in the Conditions of Approval for this grant.

- B. If the Director of Public Works approves grading or other disturbance in areas outside the Limits of Fill shown on Exhibit "A-1" and/or Exhibit "A-2" pursuant to Condition No. 35 of this grant, the Director shall refer a copy of such approval to the Director of the Department and the DPH-SWMP.

PART II – WASTE PLAN CONFORMANCE. The provisions of this Part II are intended to ensure compliance with the provisions of Condition Nos. 21, 22, 23, 24 and 25 of this grant, and to conform Landfill operations with the Los Angeles County Countywide Integrated Waste Management Plan adopted pursuant to Division 30 of the Public Resources Code.

- A. The Permittee shall ensure the proper installation and maintenance of scales to verify the weight of Solid Waste received, disposed of, used for Beneficial Use Materials at the Facility, and/or otherwise diverted and sent off-site for further handling and/or processing. The Permittee shall maintain records necessary to document the following: (1) the aforementioned weights; (2) compliance with waste restrictions imposed pursuant to the conditions of this grant; and (3) the fees charged for disposal at the Facility.
- B. All records shall be available for inspection by the DPH-SWMP, the Department of Public Works, the Department, and the Treasurer and Tax Collector during normal business hours, and shall be forwarded to such agencies upon request.

PART III – WASTE ORIGIN DATA ACCURACY. The provisions of this Part III are intended to ensure compliance with the provisions of Condition 22 of this grant. The Permittee shall adopt measures at the Facility to ensure the accuracy of the Solid Waste quantity allocated to County unincorporated areas. These measures shall apply to those customers of the Permittee who identify the source or origin of all or a portion of their waste loads as County unincorporated area, and shall become effective within 90 days after the Effective Date. Under these measures:

- A. The Permittee shall require written and verifiable documentation on source jurisdiction(s) and site address(es) where the Solid Waste is generated for loads from waste hauling industry customers ("Direct Haul Loads"), and written and verifiable documentation on source jurisdiction(s) for loads from transfer/processing facilities ("Transfer/Processing Loads"), the documentation of which shall be in a form developed by the Department of Public Works and distributed by the Permittee to its customers;
- B. The Permittee shall exempt from such documentation all customers tendering a minimum load, defined as a load having a net weight of less than one ton. However, such customers shall continue to verbally state the source of their loads;

- C. The Permittee shall investigate and verify the accuracy of all documentation provided for Direct Haul Loads;
- D. The Permittee shall forward all documentation for Transfer/Processing Loads to the Department of Public Works for review and verification;
- E. The Permittee shall forward all documentation for Direct Haul Loads from Solid Waste enterprises/waste haulers owned and operated by the Permittee or its subsidiaries to the Department of Public Works for review and verification;
- F. The Permittee shall impose a fee in an amount to be formulated by the Permittee in consultation with the Department of Public Works on Direct Haul Loads and self-haul loads that are tendered at the Facility without the required written documentation. The fee shall be non-refundable and shall offset the Permittee's cost to track non-complying loads and to follow-up with the customers involved;
- G. If the Director of Public Works determines that a Solid Waste enterprise, waste hauler, and/or Transfer/Processing operator has failed to substantiate the origin of the Solid Waste that was reported to have originated in County unincorporated area, the Director shall notify and direct the Permittee to impose a non-refundable penalty of \$5.00 per ton, based on all Solid Waste tonnage allocated to the County unincorporated area by the solid waste enterprise, waste hauler, or Transfer/Processing operator for that reporting period, which reporting period shall not exceed one month. The Permittee shall be responsible for collecting the fine and submitting it to the Department of Public Works within 60 days following such notification. The fines received by the Department of Public Works shall offset the cost of administering the waste origin verification program and of implementing other programs to mitigate the damages the County incurred under the California Integrated Waste Management Act of 1989, as amended, from such misallocation;
- H. Unless otherwise approved by the Director of Public Works, the Permittee shall suspend the disposal privileges of customers who fail to provide the written documentation required by this Part III within 14 calendar days following the tendering of an applicable load at the Facility, or of those customers who provide false, misleading, or inaccurate written documentation. Each suspension shall last up to 60 days;
- I. The Permittee shall extend the suspension period set forth above and shall possibly terminate the customer's disposal privileges for Transfer/Processing operators or waste haulers that repeatedly fail to substantiate the origin of their waste loads as required in this Part III, or who fail to pay the required penalties; and

- J. The Permittee shall provide a procedure for its customers to appeal the suspension to the Permittee, the Director of Public Works, or their designees, pursuant to this Part III and for immediate reinstatement of such privileges if the appeal is successful; and
- K. If the Permittee or the Director of Public Works determines that the origin of a waste load has been incorrectly reported, the Permittee shall correct the data submitted to the disposal reporting system to ensure its accuracy.

Prior to the implementation of the above measures, the Permittee shall, subject to the approval of the Director of Public Works, develop a waste origin verification and reporting program to include, but not be limited to, an outreach program to educate all customers of the Facility regarding the need to provide waste origin information, the requirements of the measures adopted pursuant to this Part III, and an explanation of the consequences for failure to comply with the measures. After the effective date of the adopted measures, the Permittee shall provide a 90-day grace period to its customers prior to taking any enforcement action to provide time for customer education on these measures. Based on the initial results obtained from the verification and reporting program, these measures may be amended or modified by the Director of Public Works. The Director of Public Works shall have the discretion to terminate the verification and reporting program at any time.

Twice monthly, the Permittee shall submit the results of the verification and reporting program to the Director of Public Works, along with any other written documentation on the waste load transactions at the Facility.

PART IV – HAZARDOUS WASTE EXCLUSION. This Part IV ensures compliance with Condition No. 28 of this grant regarding the exclusion of liquid, radioactive and hazardous waste from the Facility.

The Permittee shall maintain a comprehensive waste load checking program which shall require that:

- A. All waste hauling vehicles shall be screened at the scales with a radiation detector device, acceptable to the DPH-SWMP, for the presence of radioactive materials;
- B. Sensors capable of detecting volatile organic compounds acceptable to the DPH-SWMP shall be available at the Facility and used as directed by the DPH-SWMP;
- C. The scale operator shall question all drivers of suspect loads as to the source and nature of the loads, and shall inspect for contamination all large loads of earth brought into the Facility from areas not known to be free of contamination;

- D. The Landfill's Working Face areas shall be continuously inspected for hazardous and liquid waste, medical waste, and radioactive waste/materials. This inspection shall be accomplished by equipment operators and spotters who have been trained through an inspection program approved by the DPH-SWMP;
- E. Unless otherwise specified by DPH-SWMP, the Permittee shall conduct at least six manual inspections of randomly selected incoming Refuse loads each operating day, for a minimum of 36 inspections per week. In addition, the Permittee shall conduct a series of twelve, intensive unannounced manual inspections of Refuse loads over a twelve-month period during the life of this grant; and
- F. If on the basis of above-described inspections, the DPH-SWMP determines that significant amounts of prohibited waste are entering the Facility, the DPH-SWMP may require an expanded inspection program, which may include additional, unannounced manual inspections.

PART V – INDEMNIFICATION AGREEMENT. Prior to the Effective Date, the Permittee shall enter into an agreement with the County indemnifying the County for any damages to public property which may result from Landfill operations and for any expenses which may be incurred by the County in performing any on- and/or off-site remedial work necessitated by the Permittee's failure to operate or maintain the Facility at a level acceptable to the Director of Public Works or the County LEA, or for the Permittee's failure to perform any of this work in a timely manner. The work covered by this indemnification shall include, but not be limited to, work related to the Environmental Protection and Control Systems, litter and dust control, noise control, vector control, and maintenance of slopes. The standards for operation and maintenance shall be as established by the provisions of this grant and all applicable laws and implementing regulations.

To secure performance of the agreement, the Permittee shall tender to the Director of Public Works a letter of credit or other security acceptable to the County in the amount of \$10 million.

The security shall be in addition to any and all other security required by federal, state and local law, regulations and permits, including the security requirements of this grant and of the State landfill closure regulations.

PART VI - BIOLOGICAL/HORTICULTURAL MONITORING. This Part VI is intended to promote compliance with the provisions of Condition Nos. 44 and 45 of this grant concerning on-site planting, revegetation, and maintenance.

- A. Before using this grant, the Permittee shall retain a horticulture/forester consultant to supervise the on- and off-site slope planting and oak tree mitigation programs required by this grant and this IMP. The consultant shall be approved by the County Forester.

This consultant shall have the requisite education, training, experience, and professional standing to carry out the specific requirements of the position, as evidenced by appropriate licensing, registration and/or academic standing in the field of horticulture/forestry.

- B. In addition to the horticulture/forester consultant, prior to using this grant, the Permittee shall retain the services of a biology consultant, whose duties shall include: (a) the periodic review of any updated listings of threatened and endangered species contained in the Federal Register for purposes of determining whether species existing at the Facility have been re-classified with a "Category 1" status; and (b) participating in the revegetation program adopted for the Landfill.

This consultant shall have the requisite education, training, experience and professional standing to carry out the specific requirements of the position, as evidenced by appropriate licensing, registration and/or academic standing in the field of biology.

- C. If any retained consultant pursuant to this Part VI terminates employment at any time during the life of this grant, including during the Post Closure Maintenance Period, a replacement consultant shall be retained and approved as provided in this Part.

The Permittee shall create and maintain adequate records to track fill areas in accordance with the California Regional Water Quality Control Board requirements. These records shall indicate fill areas transferred to an inactive status which are potentially subject to the vegetation requirements in Condition Nos. 44 and 45. The Permittee shall make copies of such records available to the horticulture/forester consultant, the County LEA, the County Forester and other interested regulatory agencies, when a Landfill area becomes inactive.

PART VII – ARCHEOLOGICAL/PALEONTOLOGICAL MONITORING. The Permittee shall implement the monitoring program described in this Part VII to conserve archaeological and paleontological resources as required by Condition No. 62 of this grant.

- A. Before commencing grading activities in previously undisturbed areas, the Permittee shall nominate to the Director of the Department, both a certified archaeologist and a qualified paleontologist from the Society of Professional Archaeologists which the Permittee intends to retain to perform the monitoring and conservation work required by this Part VII and Condition No. 62 of this grant. If approved by the Director of the Department, the archaeologist and paleontologist shall both submit a letter to the Director stating that he/she has been retained to perform or supervise the work described herein, and that he/she agrees to report any failure of compliance with this grant or this Part VII to the Director.

- B. The archaeologist and the paleontologist shall each submit a written report to the Permittee to be included in the Permittee's annual monitoring report required by Part X of this IMP for as long as on-site excavation activity continues at the Facility, or upon the respective expert's termination of employment, in which case the report shall be submitted to the Director of the Department.
- C. If either the archaeologist or paleontologist terminates employment before completion of the excavation work associated with the Facility, a replacement expert shall be selected, approved, retained and certified as described in this Part VII.

PART VIII – ANCILLARY FACILITIES. This Part VIII is intended to enhance compliance with Condition No. 2 of this grant concerning the Ancillary Facilities at the Facility, and to verify that such Ancillary Facilities are consistent with the other conditions of this grant and with the provisions of Title 22 of the Los Angeles County Code ("County Zoning Ordinance").

Before commencing development or obtaining a building permit for any Ancillary Facility, the Permittee shall submit to the Director of the Department a site plan for such Ancillary Facility. The plan shall be in sufficient detail to establish compliance with the conditions of this grant and with the standards of the County Zoning Ordinance, including the provisions relating to the development and maintenance of parking, screening and signs, as set forth in Chapter 52 of the County Zoning Ordinance.

PART IX – COMMUNITY ADVISORY COMMITTEE. The Community Advisory Committee ("CAC"), appointed by the Board, shall continue to serve as a liaison between the Permittee and the community, and as a conduit for the community to communicate with the Commission and other regulatory agencies on an ongoing basis regarding issues involving the development and operation of the Facility. The CAC shall be composed of persons who reside in the vicinity of the Facility and who are recommended by recognized community and neighborhood associations. The respective Board members in whose district the Facility is located, and whose district the Facility is most nearly adjacent (i.e., the Third and Fifth Supervisorial Districts), shall each appoint a representative to serve as coordinators for the CAC and shall nominate committee members.

For the life of this grant, the Permittee shall continue to do the following regarding the CAC:

- A. Provide qualified personnel to regularly attend CAC meetings;
- B. Provide the CAC reasonable access to the Facility and information concerning Landfill operations necessary for the CAC to perform its functions;

- C. Provide accommodations for CAC meetings; and
- D. Provide funding, not to exceed \$20,000 per annum, for the CAC to retain independent consultants for CAC-related matters; provided that all consultants shall have the requisite education, training, and experience to undertake the work and shall have no conflict of interest with the Permittee or any member of the CAC.

The CAC shall be provided access to all reports submitted by the Permittee to any and all regulatory agencies required under this grant, including the annual monitoring report required by Part X of this IMP. The Permittee shall also consult the CAC on planning matters that could affect the physical development or future use of the Facility.

PART X – MONITORING REPORTS. This Part X is intended to enhance the continuing oversight of Landfill operations and to supplement the routine enforcement activities of the various regulatory agencies having jurisdiction over the development, operation, and maintenance of the Facility.

- A. By June 1 of each year until the Landfill's Closure, the Permittee shall prepare and submit annual monitoring reports to the Commission. At least 60 days prior to that date, draft copies of the report shall be submitted to the following entities for review and comment:
 - 1. DPH-SWMP;
 - 2. Director of the Department;
 - 3. Director of Public Works;
 - 4. Los Angeles County Forester and Fire Warden;
 - 5. Regional Water Quality Control Board-Los Angeles Region;
 - 6. South Coast Air Quality Management District;
 - 7. County Museum of Natural History; and
 - 8. Community Advisory Committee;

The draft submittal to the above-referenced entities shall include a request that comments be sent to the Permittee within 30 days of receipt of the draft report, but no later than 15 days prior to the deadline for the final report. The Permittee shall provide documentation to the Director of the Department that the draft reports have been submitted to these entities.

The Permittee shall respond to each comment received by these entities and shall include every comment and response with the final report submitted to the Commission and the Technical Advisory Committee, as described in Part XII of this IMP. A copy of the final report shall be provided to the local county library and posted on the Permittee's website.

Upon receipt of the monitoring report, the Commission may request the Permittee to submit additional information as it deems necessary to carry out the purposes of this IMP.

B. Each monitoring report shall contain, at a minimum, the following:

1. A cumulative total of all Solid Waste disposed of at the Landfill (i.e. City, County, and/or combined City/County portions), the percent of total available capacity used, the remaining disposal capacity in volume and in tons, and a detailed site map/plan showing the sequence of Landfill operations;
2. A copy (which may be reduced and simplified to fit the report format) of the most recent approved Landfill survey (as required in Part I of this IMP) showing the Limits of the Fill and the height and extent of the current fill;
3. The achieved ratio of weight to volume of Solid Waste disposed of at the Landfill and a comparison of that ratio with the ratio achieved at comparable landfills in the County, with an explanation of any significant deviation;
4. A summary of the rates (quantity per month) of Solid Waste received, disposed of, used for Beneficial Use Materials at the Facility, and/or otherwise diverted and/or sent off-site for further handling/processing, for the period established by the Director of Public Works, or from the last monitoring report, in sufficient detail to explain significant changes and variations of the rates over time;
5. A summary of the measures taken by the Permittee to divert and recycle materials at the Facility, how the measures compare with waste management plans adopted by the County and various cities, and the overall effectiveness of such measures in achieving the intent of this grant and the County's waste management plans;
6. A summary of the number and character of litter, noise, fugitive dust, and odor complaints received in the reporting period, the disposition of such complaints, and any new or additional measures taken to address or avoid future complaints;

7. A detailed accounting of any and all citations the Facility received from any regulatory agency for violations in operating the Facility (including violations related to litter, odor, fugitive dust, noise, Landfill gas, or other Environmental Protection and Control Systems), the disposition of the citations, and the penalties assessed and fees paid;
 8. A report on all interim and final fill revegetation, including an assessment of the success of such revegetation and any additional measures necessary or proposed to effect successful revegetation;
 9. The archaeological and paleontological reports required in Part VII;
 10. A summary of the measures taken by the Permittee to promote and implement alternative technologies most appropriate for Southern California from an environmental and economic perspective, as required by Condition Nos. 69 and 73 of this grant;
 11. A summary of the measures taken by the Permittee to develop transportation improvements in the surrounding areas of the Facility, as required by Condition Nos. 57 and 67 of this grant;
 12. A summary of the measures taken by the Permittee to minimize truck traffic at the Facility as required by Condition Nos. 26, 27, 57, 59, 60, 61 of this grant; and
 13. A summary of the measures taken by the Permittee to utilize Landfill gas to generate energy at the Facility as required by Condition No. 52 of this grant.
- C. Nothing in this Part X shall be construed in any way to limit the authority of a Hearing Officer, the Commission, or the Board to initiate any proceeding to revoke or modify this grant as provided in Condition No. 11 of this grant or under Part 13, Chapter 56, of the County Zoning Ordinance.

PART XI – COMPENSATION. The Permittee shall compensate all involved County departments for the expenses incurred in the administration of this grant, including the administration of this IMP and the Mitigation Monitoring and Reporting Summary ("MMRS") in the project's supporting environmental documentation, not otherwise covered by the fees paid for administration of the SWFP for the Facility. Such compensation shall be computed using the actual hours expended multiplied by the most current applicable hourly rates available at the time that the expenses are incurred, as approved by the County Auditor-Controller. The expenses of the DPH-SWMP shall include its personnel, equipment, and transportation costs.

PART XII – TECHNICAL ADVISORY COMMITTEE ("TAC"). An ad hoc committee of County departments, chaired by the Director of the Department or his/her designee, shall be established for the purpose of reviewing, coordinating, and certifying the satisfactory implementation and/or completion of the plans, permits, and/or agreements required and/or authorized by this grant, including the implementation and/or completion of the Conditions of Approval, this IMP, and the MMRS.

- A. Composition. The TAC shall be composed of representative(s) of the following County departments, and other County departments on an as-needed basis:
 - 1. DPH/County LEA;
 - 2. The Department;
 - 3. The Department of Public Works; and
 - 4. The Forester and Fire Warden;
- B. Meeting/Purposes. The TAC shall meet at least twice a year to ensure the purposes of the conditions of this grant are satisfied and to ensure compliance with the approvals and regulations of State and Federal agencies that regulate and permit the Facility. One of TAC's annual meetings shall be conducted to review the annual report submitted by the Permittee as required by Part X of this IMP and to certify that all requirements of the conditions of this grant have been met as reflected in the annual report. The TAC shall review specific requests from the CAC regarding compliance with this grant.

In addition to any other TAC requirement of this Part XII, the TAC, upon application of the Permittee, shall determine compliance with this grant: 1) within six months after the Effective Date; 2) prior to the Permittee's development of the City/County Project (excluding final approval of plans, permits and agreements); and/or 3) prior to the Permittee's commencement of the Closure process. The TAC shall meet for this purpose and if all of the conditions and requirements of this grant have been met for purposes of commencing any of these phases of the project, the TAC shall certify compliance.

- C. Access to the Facility and Information. The Permittee shall provide access to the TAC and its independent consultant(s) to all areas of the Facility during normal hours of operation and shall respond to all information requests from the TAC in a timely manner as specified by the TAC regarding compliance with the conditions of this grant and the MMRS.

- D. The Permittee may appeal an adverse determination of the TAC to the Director of the Department, whose decision shall be final.
- E. Upon the effective date of this grant, the TAC shall retain the services of an independent consultant to monitor any and/or all of the Conditions and mitigation measures of this grant for a minimum of five years. After the commencement of City/County Project operations, it is anticipated that a single independent consultant, jointly chosen by the County and City, will monitor the conditions and mitigation measures of this grant and the City Ordinance, pursuant to a Joint LEA Agreement. However, if a single consultant is not retained for the City/County Project, or the City/County Project does not go forward, the Director of the Department, upon recommendation by the TAC, may continue to retain such services of an independent County consultant as necessary throughout the life of this grant. The Permittee shall pay all costs for the independent consultant within 30 days of receiving the invoice for the consultant's services.

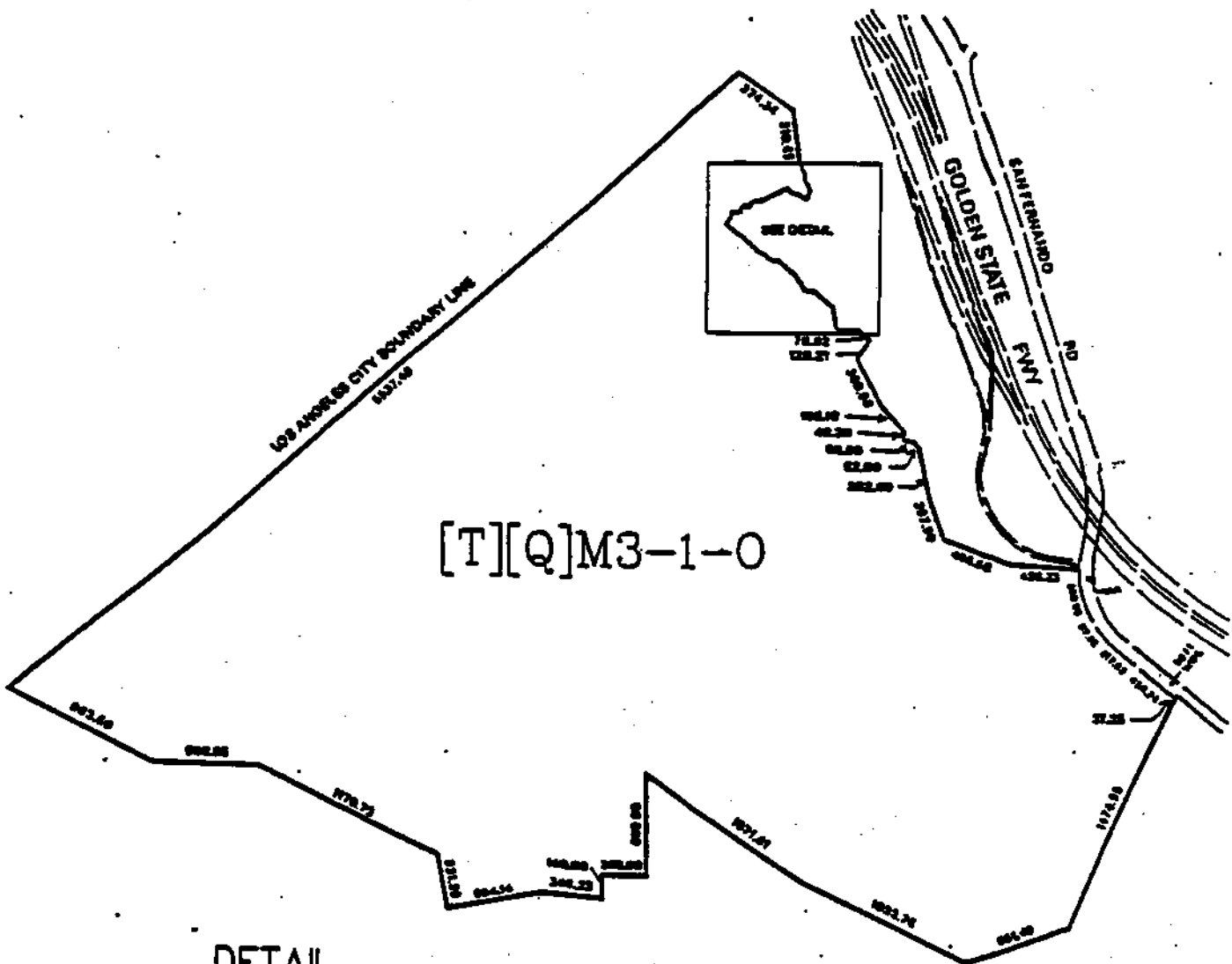
ATTACHMENT 4

ORDINANCE NO. 172933

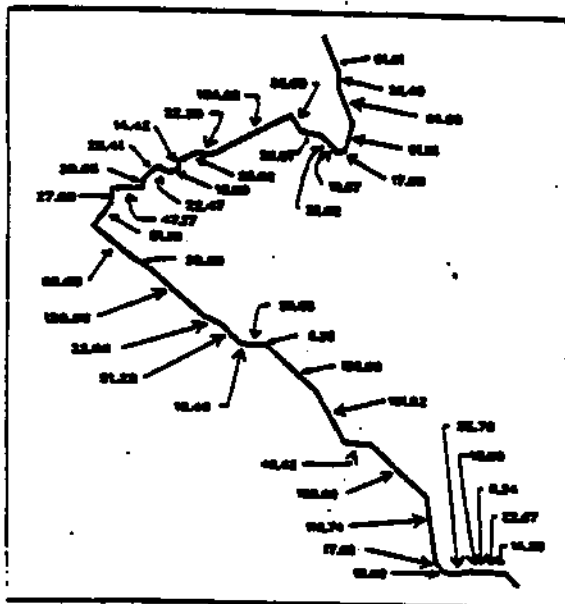
An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zones and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1. of the Los Angeles Municipal Code, so that such portion of the zoning map shall be as follows:



DETAIL



C.M. 2318129, 2318133	
C.M. 2288129, 2288133	CPC 98-0184 ZC

RAJ/GC

05/04

**[Q] QUALIFIED
CONDITIONS OF APPROVAL**

Sec. 2 Pursuant to Section 12.32-K of the Los Angeles Municipal Code, the following limitations are hereby imposed upon the use of that property shown in Section 1 hereof which is subject to the Permanent [Q] Qualified Classification.

A. Administrative

1. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department.
2. **Approval verification and submittal.** Copies of any approvals, guarantees or verification of consultations, reviews or approvals, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department and the Local Enforcement Agency (LEA) for placement in the subject file.
3. **Definition.** Any agency, public official, or legislation referenced in these conditions shall include agencies, public officials, legislation or their successors, designees or amendments to any legislation. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this approval.
 - a. **Independent Consultant or Independent Expert.** Reference to "Independent Consultant or Independent Expert" cited in the [Q] Conditions and Mitigation Measures is defined as follows: The hiring of specific specialists by the City to oversee and monitor compliance with the conditions of approval and mitigation measures. Such person or firm shall report directly to the Director of Planning.
4. **Enforcement.**
 - a. **Compliance with these [Q] conditions and the intent of these conditions** shall be to the satisfaction of the Planning Department and any other designated agency, or the agency's successor in accordance with any stated laws or regulations, or any amendments thereto and the operational agreement provided for in Condition No. A.9, including but not limited to, those permits issued by the following agencies:
 - 1) **The Local Enforcement Agency (i.e., Los Angeles City Environmental Affairs Department and/or Organization/Committee designated under a joint powers agreement or other instrument) and the California Integrated Waste Management Board;**

- 2) The Los Angeles Regional Water Quality Control Board;
 - 3) The South Coast Air Quality Management District;
 - 4) The California Department of Fish and Game;
 - 5) The U.S. Army Corps of Engineers; and
 - 6) The State Department of Health Services.
- b. Failure of the permittee to cease any development or activity that is not in full compliance shall be a violation of these conditions, as noted in Condition No. D.
- c. To the extent permitted by Public Resources Code Section 45005, the Local Enforcement Agency shall have the authority to order the immediate cessation of landfilling or other activities at the site, if it determines that the inhabitants of the City are under imminent and substantial risk to health, safety, or welfare. Such cessation shall continue until such time as the Local Enforcement Agency determines that the conditions leading to the cessation have been eliminated or reduced to a level which no longer poses an unacceptable threat to such health, safety, or welfare.
5. Plan. The subject property shall be developed substantially in conformance with Exhibit No. E-4B-D, attached to City Plan Case No. 98-0184(ZC/GPA)(MPR), and subject to the conditions of approval contained herein. Upon review of the Local Enforcement Agency and approval of the Planning Department, minor deviations from the conditions may be allowed in order to comply with provisions of the Municipal Code and the intent of the subject permit authorization.
6. *We reserve blanket reports to be submitted*
Annual Reports. The permittee shall submit annual reports to Department of City Planning for placement in the case file, to the Technical Advisory Committee (TAC) for annual review, to the Citizens Advisory Committee, to a local library, and reports shall be posted on a web-site provided by the operator. The reports shall include, but not be limited to, Hotline/Emergency Log summaries, daily and maximum tonnage figures specifying the amount of waste and inert material, readings and analysis of the effectiveness of landfill gas monitoring activities, including the amount of gas currently generated, noise measures, discussion on litter prevention, revegetation status, detailed monitoring report of tree planting, archaeological report, list of citations and overall compliance with the conditions of the subject approval.

The first report shall be due June 1st of the first year of operation and every year thereafter until closure. At least 60 days prior to the due date, draft copies of the report shall be submitted to the City and County Local Enforcement Agencies, South Coast Air Quality Management District, Los Angeles Regional Water Quality Control Board, City Planning Department, California Waste Integrated Waste

Management Board, and Citizen Advisory Committee. Comments of these agencies shall be attached to the Annual Report.

The TAC shall transmit its comments and the Annual Report to the City Planning Director for consideration by the City Planning Commission.

7. Revised Mitigation Monitoring and Reporting Program (MMRP). The permittee shall submit a revised Mitigation Monitoring and Reporting Program ("MMRP") satisfactory to the Department of City Planning that incorporates all mitigation measures required in the Final SEIR (State Clearinghouse Mitigation Measure No. 92041053) as adopted by the City Council. The Applicant shall also identify mitigation monitor(s) who will provide annual status reports as noted above and in the MMRP, beginning immediately at commencement of the operation until post-closure. The list shall be updated annually in the Annual Report. The mitigation monitor(s) shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, operation, closure, and post-closure) to ensure continued implementation and adequacy of the mitigation measures.

Until a joint powers agreement is in place between the City and County, the City Local Enforcement Agency (LEA) shall be the LEA, and an independent mitigation consultant under the direct control of the Technical Advisory Committee shall be employed at the applicant's expense, to monitor such mitigation measures, which are beyond the scope of the State regulations, and which the LEA does not have the resources to monitor.

Mitigation Monitoring and Reporting Program. Attached to these conditions is a Mitigation Monitoring and Reporting Program (Attachment A-5) which is hereby incorporated into these conditions. The permittee shall fully perform each action required of the program as if it were specifically set forth in these conditions.

8. Bonds.

- a. Performance bonds, letters of credit, corporate guarantees or similar form of security, as approved by the City Attorney, stating the amount, duration, and supervisory agency shall be provided. Prior to commencing construction of the landfill, a bond or similar form of security in the minimum amount of \$3,000,000 shall be provided to the Director of Planning to finance litter, traffic, and community protection program mitigation measures. Upon making a finding, that the applicant/operator has not complied with the required mitigation measures in a timely and reasonable manner, the Director of Planning may utilize the security to implement mitigation measures.
- b. Indemnity. The applicant/operator shall post a sufficient bond, as approved by the City Attorney, to indemnify and hold harmless the City of Los Angeles, its agents, officers, and employees from any claim action for damages resulting from water contamination, air contamination, health

impacts, or loss of property value during the landfill operation, closure, and post-closure of the City Landfill.

9. **Agreements.** To provide for the allocation of fees and if necessary, joint operations, monitoring, and enforcement of the landfill, the permittee shall submit to the Planning Department all agreements entered into between the City and County of Los Angeles whether by Memorandum of Understanding, Development Agreement, Joint Powers Agreement, or other instrument related, but not limited to the following (These agreements cannot amend the [Q] conditions or any mitigation measures adopted by the City, except as otherwise provided under "e" and "f" below, but may provide for their implementation or operation):

- a. **Joint Powers Agreement,** including agreements to and by all parties for items requiring collaboration on permitting, inspection, and enforcement for the Combined City/County Landfill.

Upon the operation of the Combined City/County Landfill, the City Local Enforcement Agency proposes to be designated in any Joint Powers Agreement to serve as the lead agency and single point-of-contact for coordinating all permitting, inspection, closure supervision, and enforcement activity at the City Landfill. The actual responsibilities of which shall be delineated in the Joint Power Agreement or other appropriate instrument.

- 1) **City Landfill or Combined City/County Landfill**

City Landfill. Prior to the operation of the Combined City/County landfill, the City Local Enforcement Agency shall be designated to serve as the lead agency and single point-of-contact for coordinating all permitting, inspection, closure supervision, and enforcement activity at the City Landfill.

- 2) **Combined City/County Landfill.** Upon the operation of the Combined City/County Landfill, the City Local Enforcement Agency proposes to be designated in any Joint Powers Agreement to serve as the lead agency and single point-of-contact for coordinating all permitting and enforcement activity at the City Landfill. The actual responsibilities of which shall be delineated in the Joint Power Agreement or other appropriate instrument.

- b. **Establishing City/County rights to use the landfill and/or related capacity allocations.** There shall be a restriction on the approval of any further expansion of landfilling beyond the limits of the Combined City/County Landfill approved herein as set forth in Condition B.2 and as may be agreed upon in the Joint Powers Agreement. Pending the establishment of a Joint Powers Agreement that may include such restriction, the permittee shall not seek approval for any additional expansion in the City and County.

- c. Franchise fee, Gas-to-energy or direct gas sales, or other fee and bond or security arrangements with the City.
 - d. Environmental Education or Community Amenities Programs.
 - e. Amendments to City Council instructions (i.e., [T] Conditions) or clarification of [Q] Conditions, as a result of the Joint Powers Agreement or other need or requirement, shall comply with Section 12.32.M of the Los Angeles Municipal Code.
 - f. Amendments to the Mitigation Monitoring and Reporting Program, as a result of the Joint Powers Agreement, may be modified at the time of City Council's adoption of the Joint Powers Agreement.
10. The permittee shall provide fees as determined by the Director of Planning to pay for the mitigation monitoring, enforcement program and related personnel costs incurred by the Technical Advisory Committee and individual departments. Such costs may include activities relating to inspection, permitting, and enforcement of the landfill, closure activities, coordination of mitigation monitoring, administrative support, technical studies, and other efforts as may be required, including the hiring of independent consultants to assist the Technical Advisory Committee. This shall also include funds for staff to ensure compliance.

B. Conditions on Use.

- 1. **Limitation/Prohibition on Uses:** Permitted uses are the approved landfill footprint, ancillary, closure, post-closure, and existing uses. Prohibited uses are other industrial and commercial uses permitted in the M3 zone classification which are not listed in the subject approval and fully described below. No waste shall be accepted for disposal in the landfill originating from outside of Los Angeles County.
- 2. **Approval.** The subject approval is for the development, operation, maintenance and monitoring of a Class III, non-hazardous solid waste "Combined City/County Landfill", that may be designed to share environmental control systems (e.g. landfill liner, leachate collection, and removal system, landfill gas extraction and flaring system), with shared use of the access road, scales, administrative offices, and other ancillary uses. The Combined City/County Landfill approved herein shall result in one landfill footprint being constructed in Sunshine Canyon ultimately encompassing approximately 451 acres, with an estimated net disposal capacity of 90 million tons. This landfill footprint shall not exceed approximately 194 acres located in the City, with an estimated net disposal capacity of 55 million tons, the currently operational 215-acre County Landfill, with an estimated net disposal capacity of 17 million tons, and a connecting area of approximately 42 acres in the County, with an estimated disposal capacity of 18 million tons. No further expansion of the landfill footprint of the Combined City/County Landfill is authorized by this approval.
 - a. As used in this condition, "landfill" refers to the portion of the subject

-5-

property in which waste is to be permanently placed and then buried under daily and interim cover material, but excludes adjacent cut slopes, temporary storage areas and ancillary facilities authorized by this action. The restrictions of this condition do not apply to final cover, which may be added pursuant to closure plans. Allowance for settlement of fill shall not be made in determining compliance with this condition.

- b. **Landfill footprint.** The footprint of the landfill within the City shall not exceed approximately 194 acres, which will provide an estimated net airspace disposal capacity of 55 million tons in the City. The City Landfill footprint shall be set back 500-feet from any more restrictive zone.

- c. **Ancillary Uses and Facilities.** The subject property may only be used for the following ancillary uses and facilities. These ancillary uses and facilities described in the July 1997 Draft Subsequent EIR, pages 2-38 through 2-43, and may be located on the applicant's property generally in conformance with the diagram attached as Exhibit E-4, and during the life of the landfill, may be moved or relocated following commencement of landfiling operations as necessary to accommodate development of the ultimate landfill footprint.

- 1) Access roadway;
- 2) Administrative offices and employee facilities related directly to the landfill and waste handling and processing operations allowed under this approval, but excluding offices and other facilities related to any other enterprises operated by the applicant or others;
- 3) Caretaker's residences or mobile homes;
- 4) Environmental learning center;
- 5) Scale house, check-in and general maintenance areas;
- 6) Plant materials center (i.e., nursery facility);
- 7) Facilities necessary for the environmental protection and control systems/features, including flaring stations, leachate treatment, storage tanks, sedimentation basins, drainage devices, water storage tanks and optional tanks;
- 8) Leachate collection and processing facilities;
- 9) Facilities necessary for the collection, disposal, utilization and distribution of landfill gases as required and/or approved by the South Coast Air Quality Management District;
- 10) Facilities necessary for the maintenance of machinery and equipment

employed at the landfill, excluding equipment or machinery utilized by the applicant in other enterprises, including refuse collection;

- 11) Closure and post-closure activities of the existing inactive and proposed City Landfill; and
 - 12) Open Space uses, such as recreational, wildlife habitat or corridor, or scenic parkland.
- d. Phasing. The approval for landfilling is permitted in two phases. For each phase, the permittee shall provide proof of compliance with the conditions of approval, facility plans, including pre-disposal topography of the site, the facility boundary of the site (clearly illustrating parcels owned by the operator and/or any parcels leased), the total permitted acreage of the site, the acreage of the disposal area, the filling sequencing and excavation plans, the extent of any M3 buffer zones between the disposal area and permitted property boundaries provided by the facility layout, and the vertical limits of the site. The Local Enforcement Agency and Planning Department shall coordinate review of the plans.
- 1) Phase I. Phase I of the City Landfill shall consist of the initial five years of operation and shall not exceed 16 million tons in accordance with the conditions of approval set forth herein. (Refer to Exhibit Nos. E-4C-D)
 - aa. Evidence of completion of the approved closure construction in the areas where new waste will overlie portions of the inactive landfill and compliance with the Closure Plan for the Inactive City Landfill shall be provided to the Local Enforcement Agency and approved before landfill operations are allowed to commence within such areas.
 - 2) Phase II. Phase II shall consist of the remaining operation of the ultimate City/County Landfill, which provides an estimated net disposal capacity of 55 million tons in the City Landfill and 90 million tons in the Combined City/County Landfill, with a maximum vertical height of the landfill footprint at build out which would result in final fill elevation (at its top deck areas) of 2,000 feet M.S.L., as shown in Exhibit Nos. E-4B and E-4C, in accordance with applicable requirements of all permitting agencies and such corrective measures as may be imposed pursuant to the Joint Powers Agreement, established pursuant to Condition No. A.9, following a review by the Director of Planning, with the assistance of the Technical Advisory Committee, of the project's operational history under Phase I and the Director's determination that there has been compliance with the following:

- aa. At least four years of landfill operation under Phase I;
 - bb. Compliance with the conditions of the subject approval;
 - cc. Obtain all appropriate permits and agreements from the City of Los Angeles and Los Angeles County for operation of the City/County operation as stated in Condition No. A.9;
 - dd. Evidence of completion of the approved closure construction in the areas where new waste will overlie portions of the inactive landfill and compliance with the Closure Plan, as determined by the Local Enforcement Agency, for the Inactive City Landfill;
 - ee. Submittal of annual reports in a timely manner; and
 - ff. Compliance with Condition No. C.10.a and C.10.b.
 - gg. The City's review for proceeding to Phase II shall begin no later than the beginning of the third quarter of the third year of the City landfill operation and shall be concluded within six months. Any corrective measures deemed necessary shall be formulated and imposed within the following six-month period; however, except as provided in Condition Nos. A.4.c and D, there shall be no interruption of service during the establishment and implementation of any corrective measures deemed necessary by the TAC or caused by delays in the City's review. In addition, the City's review for compliance shall be carried out on an ongoing basis including annual reports provided by the permittee and evaluated by the Technical Advisory Committee and submitted to the City Planning Commission.
 - hh. Phase II shall not proceed beyond the 10th year of the operation without compliance with the review under Phase III (10 Year Phase Review).
- 3) Phase III (10 Year Phase Review). Phase III of the Landfill may occur following review by the Director of Planning of the operational history with the assistance of the Technical Advisory Committee, Independent Consultants, and/or Local Enforcement Agency. The Director's determination shall consider compliance with the following:
- aa. Compliance with the conditions of the subject approval;

- bb. Compliance with all appropriate permits and agreements from the City of Los Angeles and Los Angeles County for operation of the City/County operation as stated in Condition No. A.9;
 - cc. Evidence of completion of the approved closure construction in the areas where new waste will overlie portions of the inactive landfill and compliance with the Closure Plan, as determined by the Local Enforcement Agency, for the Inactive City Landfill;
 - dd. Submittal of annual reports in a timely manner;
 - ee. The City's review for proceeding to Phase III shall begin no later than the beginning of the third quarter of the ninth year of the City landfill operation and shall be concluded within six months. Any corrective measures deemed necessary shall be formulated and imposed within the following six-month period; however, except as provided in Condition Nos. A.4.c and D, there shall be no interruption of service during the establishment and implementation of any corrective measures deemed necessary by the TAC or caused by delays in the City's review. In addition, the City's review for compliance shall be carried out on an ongoing basis including annual reports provided by the permittee and evaluated by the Technical Advisory Committee and submitted to the City Planning Commission; and
 - ff. The Director of Planning's results of the review shall be submitted to and considered by the City Planning Commission utilizing the procedure under Section 12.32.C.1 of the Los Angeles Municipal Code or subsequent amendments thereto.
- e. The permittee shall not operate a landfill in the area which is the subject of this rezoning until the open space which was identified as a mitigation measure in the County FEIR (including East Canyon and Bee Canyon) is open and accessible to the public, as determined by the Director of Planning (except on the lands where the County has not completed its eminent domain and the 100-acre "working" buffer area south of the City Landfill).
3. Hours of Operation. The hours of operation for landfill activities shall be as follows:
- a. The landfill shall be closed on Sunday;
 - b. Refuse may be accepted at the landfill scales between the hours of 6:00 a.m.

(scales open) through 6:00 p.m. (scales close), Monday through Friday, and 7:00 a.m. to 2:00 p.m. on Saturday, except as needed to accommodate City post-holiday disposal requirements. The landfill entrance gate at San Fernando Road will open at 5:00 a.m. on weekdays and 6:00 a.m. on Saturdays, except as needed to accommodate City post-holiday disposal requirements, to allow the onsite queuing of vehicles. Further, refuse or dirt may be accepted at other times, upon notification that the Local Enforcement Agency determines that extended hours are necessary to handle emergency disposal for the preservation of the public health and safety;

- c. Landfill operations, such as site preparation and maintenance, the application of cover, and waste processing, but excepting activities such as gas control which require continuous operation, shall be conducted between the hours of 6:00 a.m. and 9:00 p.m., Monday through Saturday;
 - d. Equipment maintenance shall be limited to the hours of 4:00 a.m. through 9:00 p.m., Monday through Saturday, except for equipment repairs. No diesel vehicle shall be started before 5:00 a.m.
 - e. Environmental mitigation and emergency operations which cannot be accomplished during the hours stated above may be performed at any time and shall be noted in the Annual Report.
4. **Intake Rate.** The maximum or emergency tonnage rates allow the permittee to adjust disposal between the City and County, but cannot exceed the maximum permitted for the City, County, or Combined City/County Landfill, except as provided in Condition B.4.c, below:
- a. **City Landfill Maximum Waste Intake Rate.** Prior to the operation of the Combined City/County Landfill, the maximum intake rate for waste placed in the City Landfill shall not exceed 5,500 tons on any given day with a maximum weekly capacity of 30,000 tons of Class III Waste ("Class III Waste" is nonhazardous solid waste as defined in CCR Title 27, Section 20220(a), except as restricted herein) and a maximum weekly capacity of 3,000 tons of inert/exempt materials, as defined below, based upon 6 working days per week.
 - b. **Combined City/County Landfill Maximum Waste Intake Rate.** The maximum intake rate for waste placed in the Combined City/County Landfill shall not exceed 12,100 tons on any given day in either jurisdiction (based on the maximum intake rate of 5,500 tons per day in the City and the currently authorized maximum intake rate of 6,600 tons per day in the County), with a maximum weekly capacity of 66,000 tons of Class III Waste ("Class III Waste" is nonhazardous solid waste as defined in CCR Title 27, Section 20220(a), except as restricted herein) and a maximum weekly capacity of 6,600 tons of inert/exempt materials, as defined below, based upon 6 working

days per week.

- c. **Emergency**, as defined in CCR Title 14, Division 7, Chapter 3, Article 3 (Emergency Waiver of Standards). The City Council or Mayor may increase the maximum tonnage allowed upon the joint recommendations of the Local Enforcement Agency, Department of Public Work, Bureau of Sanitation, and Planning Department, if there is a declared emergency and if it is determined that an increase is necessary to appropriately manage the City's waste stream for the protection of the public health and safety.
- d. **Inert/Exempt Materials** include:
 - 1) Clean dirt imported to cover and prepare interim and final fill slopes for planting;
 - 2) Waste processed and put to a beneficial use on the landfill or separated or otherwise diverted from the waste stream and exported from the landfill for the purpose of recycling (e.g., green waste, wood waste, asphalt, concrete and dirt), in accordance with the restrictions of Condition No. B.6 and the provisions entered into pursuant to Condition No. A.9.

5. Prohibited Waste.

- a. Incinerator ash, sludge, radioactive material, hazardous waste, and medical waste as defined in Section 25023.2 of the California Health & Safety Code shall not be accepted. Should such waste be nevertheless received at the landfill, it shall be handled and disposed of as provided in Condition No. B.5.c below.
- b. The permittee shall implement a comprehensive waste load checking program to exclude disposal of Unacceptable Waste, which complies with the requirements of the subject condition, the Mitigation Monitoring and Reporting Program, additional requirements of the Local Enforcement Agency, the State Department of Health Services, and the Regional Water Quality Control Board.
- c. Restrictions on disposal of Unacceptable Waste and the procedures for proper disposal at other appropriately classified disposal sites for waste processing facilities shall be provided to waste haulers on a routine basis. Notices printed in English and Spanish shall also be posted at prominent locations at the landfill to inform waste haulers of the rules governing the disposal of Unacceptable Waste, and that anyone negligently or intentionally bringing in any Unacceptable Waste shall be prosecuted under the fullest extent of the law.

In the event that material known or suspected to be Unacceptable Waste is discovered at the landfill, the permittee shall:

- 1) If the vehicle that delivered the waste is still present, detain the driver and obtain his drivers' license and vehicle license number;
 - 2) Immediately make all required notifications to City, State, and County agencies;
 - 3) If possession of the material is not immediately taken by a public official, store the material at a site developed in accordance with the regulations of the State Department of Health Services, State Department of Toxic and Substance Control if the waste is hazardous, extremely hazardous or acutely hazardous, and the Regional Water Quality Control Board until disposed of in accordance with applicable State and Federal regulations.
 - 4) Maintain a Manifest of Unacceptable Waste to be made part of the Annual Report. Certain information must be provided, including:
 - aa. A description, nature, and quantity of waste;
 - bb. Name and address of the known source;
 - cc. The amount of waste involved;
 - dd. Specific handling procedures used; and,
 - ee. Certification of the accuracy of the information in the manifest.
- d. Nothing in this condition shall be construed to permit the creation or use of a hazardous waste disposal facility at the landfill.

6. Waste Diversion.

- a. As provided in the agreement entered into pursuant to Condition No. A.9, the permittee shall not negligently or intentionally deposit waste into the landfill which is required to be diverted or recycled in accordance with City and County Source Reduction and Recycling Elements, the County Integrated Waste Management Plan adopted pursuant to Division 30 of the Public Resources Code, City Reduction and Recycling Plans, or the more restrictive policy.
- b. The permittee shall maintain on-site waste diversion and recycling facilities consistent in scope and purpose with the agreement entered into pursuant to Condition No. A.9.

7. Ceased Operation.

- a. Landfilling operations consisting of the collection and disposal of waste shall

terminate upon completion of the approved City fill design, as conceptually shown on Exhibit E-4B, and as further described in Condition No. B.2.d.2. Upon the completion of the fill design, no further waste shall be accepted for filling or processing. However, the applicant is authorized to continue such facilities in operation as are necessary to complete mitigation measures required by this approval or for closure or post closure maintenance required by federal, state and local agencies. All facilities not required for mitigation, closure or post closure maintenance shall be removed unless they are of a type permitted by the zoning regulations then in effect.

- b. Upon cessation of waste disposal operations, the permitted uses are limited to closure, post-closure, and open space.
- c. Upon completion of the post-closure period, the property owner shall contact the City Department of Recreation and Parks and the Santa Monica Mountains Conservancy for their consideration of the site as parkland.
- d. The Local Enforcement Agency shall be the City's representative in all discussions, plans and communications between the landfill operator and the closure and financial assurance staff of the California Integrated Waste Management Board.

C. Conditions on Development, Design, and Operation.

- 1. The Mitigation Monitoring and Reporting Program (Attachment A-5) is hereby incorporated into these conditions. The permittee shall fully perform each action required of the program as if it were specifically set forth in these conditions.
- 2. Community Protection Program. A community protection program shall be established that includes the following:
 - a. Preparation and distribution of a quarterly newsletter to all parties on the Interested Parties List established for the City Planning Commission February 25, 1999 meeting, to others who request to be added to the list, to a local library, and posted on a web site. The quarterly newsletter shall include a summary of Hotline/Emergency Log activity of the period as well as progress report which summarizes the Annual Report as required by Condition No. A.6. The Hotline, web site, and 24-hour emergency phone numbers shall be publicized in each issue of the newsletter.
 - b. The permittee shall maintain a Hotline/Emergency Log which shall record complaints as well as follow-up actions.
 - c. The permittee shall post a sign at the entry gate at San Fernando Road which indicates the following:

- 1) The telephone number by which persons may on a 24-hour basis contact the permittee to register complaints regarding landfill operations.
 - 2) The telephone number of the Local Enforcement Agency and the hours when the number is manned.
 - 3) The telephone number of the enforcement offices of the South Coast Air Quality Management District and the hours when the number is manned.
- d. The permittee shall at all times, Monday through Saturday, maintain adequate staff to promptly respond to and correct dust, litter and other complaints from the surrounding neighborhood.

The permittee shall maintain at least one person who is qualified to assess the need for remedial action and is authorized to summon the resources to perform any necessary remedial action. The personnel assigned shall be provided with the means to be continuously in response to the telephone number posted at the entry gate.

- e. The permittee shall fund 50 percent of cost of at least thirteen (13) hazardous waste roundups, to occur every other year during the operational life of the landfill, for the areas covered by Granada Hills-Knollwood District Plan, Chatsworth-Porter Ranch Plans, Northridge Community Plan, Mission Hills-Panorama-Sepulveda Plans, and Arleta-Pacoima Plans, provided that the City Council authorizes such roundups and the balance of the required funding is provided by the City and/or other public agencies. The roundups shall be publicized in the newsletter and on the web site.
3. Fugitive Dust. The permittee shall utilize the most effective available technology and methodology to avert fugitive dust emissions which may be a nuisance or hazard in adjacent populated or recreational areas or cause significant damage to wildland resources. In addition to the revegetation measures required in the Mitigation Monitoring and Reporting Program, the program shall include the following:
- a. The permittee shall not engage in any excavation or other operation during high wind conditions (as defined in Mitigation Measure No. 21 as related to construction), or when such conditions may reasonably be expected, that would result in significant emissions of fugitive dust which cannot be confined to the area under the permittee's control.
 - b. The working face area shall not exceed approximately 10 acres in the Combined City/County Landfill, 3 to 5 acres in the City Landfill when not operating as a combined landfill, or as determined by the Local Enforcement Agency to better protect the public health and safety. At times of the year

when high wind conditions may be expected, the working face shall be located within areas of minimal wind exposure or may be closed, if so determined by the Local Enforcement Agency.

- c. Except on rainy day, daily cover shall be moistened with water to retard erosion, and a soil sealant shall also be used to supplement water for dust control and to retard erosion when wind conditions dictate.
- d. Except during rainy conditions, any active area or active cover soil stockpile shall be moistened with water on a daily basis unless wind conditions dictate otherwise, in which case soil sealant shall be used in addition to water. Material cut from one portion of the site shall be used as a cover material in an adjacent area, to the extent feasible, to reduce the transport distance.
- e. If necessary, before each day when the landfill will be closed to refuse receipt, the permittee shall apply soil sealant to any previously active dirt area which has not already been sealed or revegetated.
- f. Inactive areas of exposed dirt that have been sealed shall be regularly monitored to determine the need for additional sealing and to prevent unauthorized access that might disturb the sealant, and if additional treatment is required, it shall be promptly applied to assure full control of the soil particles.
- g. All access roads to permanent facilities, excepting those infrequently used, shall be paved.
- h. The access roads extended to new fill areas shall be surfaced with recycled asphalt, aggregate materials, or soil stabilization products to minimize the length of untreated dirt.
- i. All paved roads in regular use shall be regularly cleansed to remove dirt left by trucks and other vehicles.
- j. Except during rainy conditions, all dirt roads in regular use shall be watered at least once daily on operating days and more often as needed or otherwise treated to control dust emissions.
- k. Loads capable of producing significant dust shall be watered during the dumping process, if such a practice is deemed acceptable to the Regional Water Quality Control Board.
- l. The permittee shall maintain water tanks and piping capable of supplying at least one full day's maximum water usage to the fill areas for dust control, which capacity shall be in addition to any fire flow requirements.

- m. The permittee shall install and maintain devices to monitor wind speed and direction, as specified by the South Coast Air Quality Management District, and shall retain qualified personnel to read and interpret the data, to obtain or utilize information on predicted wind conditions and to assist in the planning of operations at the landfill. This data shall be included in the annual report prepared by the permittee.
- 4. Grading. Except as otherwise provided in this condition, areas outside of and above the cut and fill shown on Exhibit Nos. E-4B-D or revised approved exhibit, shall not be graded or similarly disturbed. The Department of Building and Safety, in consultation with the Planning Department, may approve additional grading, if determined, based upon engineering studies provided by the permittee and independently evaluated by these Departments, that such additional grading or disturbance is necessary for slope stability or drainage purposes. Such a determination shall be documented and provided in the annual reports as part of the attached monitoring program.

No approval shall be granted under this condition which will result in expanding the area or height of fill or in lowering or significantly modifying any of the ridgelines surrounding the landfill.

Nothing in this condition shall be construed as prohibiting the installation of water tanks, access roads, flares, or similar facilities or mitigation programs required by this action or by permits issued by other public agencies.

- 5. Graffiti removal and deterrence on building and structures in public view. The property owners and all successors shall acknowledge the applicability of the graffiti removal and deterrence requirements pursuant to Municipal Code Sections 91.8101-F, 91.8904.1 and 91.1707-E relative to the subject project, particularly with regard to the following:
 - a. The first nine feet of exterior walls and doors, measured from grade, and all of any walls enclosing the property shall be built and maintained with a graffiti resistant finish consisting of either a hard, smooth, impermeable surface such as ceramic tile, baked enamel or a renewable coating of an approved, anti-graffiti material or a combination of both pursuant to Section 91.1707-E;
 - b. The period for compliance with a graffiti removal order issued by the Building and Safety Department is 15 days following which period with failure to perform, the City or its contractor is empowered to enter the property to remove such graffiti with costs accruing to the property owner (91.8904.1);
 - c. The period for compliance with a subsequent order for a subsequent occurrence is three days (91.8904.1); and

- d. In addition to a,b, and c above, exterior walls of new buildings of other than glass may be covered with clinging vine and screened by oleander trees or similar vegetation capable of covering or screening entire walls up to the height of at least 9 feet, excluding windows and signs.
6. Litter. The permittee shall employ the most effective available technology and methodology to prevent litter which enters the area under the permittee's control in the form of waste from escaping the area. Notwithstanding other provisions of this condition or of this action, the permittee shall close the landfill to incoming waste during high wind conditions if, despite the application of the most effective available technology and methodology, litter cannot be confined to the area of the permittee's control. The permittee's on-site litter control program shall include, unless otherwise provided by the City Planning Department, the following:
- a. Landfill personnel shall continuously patrol the access road to the scales from the time it opens to the time it closes in the evening.
 - b. Improperly covered or contained loads which may result in a significant release of litter shall be immediately detained and the condition corrected, if practicable, before the load proceeds to the working face. If correction cannot be made, the load shall be conducted under escort to the working face.
 - c. All debris found on or along the entrance and working face access roads shall be immediately removed.
 - d. Operating areas shall be located in wind shielded portions of the landfill during windy periods.
 - e. The permittee now uses a primary litter fence at a height of eight feet at the working face, and a four-foot secondary fence behind the primary fence, depending on wind conditions. The permittee shall continue to use such fences and additional control systems as necessary to control litter. On windy days and when the fences are not sufficient, the working face shall be moved up against a slope so that debris can be more easily contained.
 - f. The permittee shall, to the satisfaction of the Planning Department, maintain programs aimed at controlling the discharge and recovery of litter from uncovered or improperly covered or contained loads traveling to the landfill along the principal north and south access arteries: from the Roxford/Interstate 5 Freeway exit along Old Sepulveda Boulevard and San Fernando Road to the landfill entrance; and from the Balboa off ramp along San Fernando Road to the landfill entrance, from the Balboa Boulevard off ramp along San Fernando Road to the landfill entrance, along Foothill Boulevard from Balboa to Yarnell Street and along Balboa south to Woodley Avenue.

The measures shall include an effective tarping program, which if necessary in the estimation of the Local Enforcement Agency, shall provide for sale of tarps to violators and/or exclusion from the landfill of repeated violators. Also, a message shall be placed on the facility public telephone stating the requirement to tarp loads.

7. Oak trees.

- a. Except where necessary to carry out testing required to obtain permits, no oak trees shall be removed within the City until the permittee has obtained all permits necessary from appropriate City agencies to begin initial site development.
- b. Except for initial site clearance and as necessary for slope stability, cover stockpile, drainage, flare installation or fire suppression or other ancillary facilities, oak trees and other native vegetation more than 50 feet above the working elevation of the landfill shall not be removed.
- c. These conditions are intended to control the rate of oak tree removal and shall not be construed to allow the disturbance of areas not authorized for disturbance pursuant the approved conditions.

8. Revegetation. The project proponent shall submit a revegetation plan consistent with the MMRP:

- a. Final cut slopes shall not exceed an overall incline of 1.5:1.
- b. If the Local Enforcement Agency determines that a different design or plan would better protect the public health and safety and would enable revegetation of the final slopes as well or better than the design or plan described in Exhibit No. 4.B-D, and/or a change is dictated by revisions to the minimum standards adopted by the California Integrated Waste Management Board, and the LEA, therefore, directs the implementation of a different design and/or plan, the applicant shall not be bound by the provisions of this condition; provided, however, that the maximum elevations and area of fill may not exceed those permitted in Condition No. B.2.d.
- c. A temporary hydroseed vegetation cover shall be established on all cut slopes and other areas outside the landfill that are to remain inactive for a period longer than 180 days.
- d. The applicant shall employ expert assistance to carry out this condition, including qualified biologist. Soil sampling and laboratory analysis shall be conducted on all areas before revegetation to identify chemical or physical soil properties that may adversely affect plant growth and establishment. Soil amendments and fertilizer recommendations shall be applied and plant

materials selected based upon the above-referenced testing procedures and results. To the extent possible, as determined by the Planning Department, plant types shall blend with species indigenous to the area and be drought tolerant and shall be capable of rapid establishment.

- e. Typical cross-section of the Final Landfill Cover shall be applied in lifts similar to Attachment A-4 or as deemed necessary by the Local Enforcement Agency in the closure plan.
9. **Riparian/Wetland habitat.** The permittee shall replace disturbed riparian and wetland habitat to the satisfaction of the California Department of Fish and Game and the U.S. Army Corps of Engineers in accordance with plans approved before commencement of landfill development. Replacement habitat shall be provided on a 2:1 ratio through a program of tree planting streamzone stabilization, stream enlargement and/or streamzone rehabilitation in degraded drainage channels. The program shall also provide mitigation sufficient to prevent any net loss of wetland. Any replacement site shall be located in the San Fernando Valley. Preference shall be given to habitat mitigation in the immediate vicinity of the landfill or an urbanized area whereby providing outdoor experience and education within proximity of a larger population. Final site selection and the review of detailed engineering plans and working drawings shall be coordinated among the responsible agencies.

10. **Air Quality.**

- a. **Establishment of an Independent Air Quality Consultant.** An independent air quality consultant, selected by the Director of Planning, shall conduct at least four random tests of landfill dust and diesel particulates around the perimeter of the landfill property, with special attention given to the area south of the landfill above the residential community, each year of operation to determine if such results are consistent with the FSEIR modeling.

The costs for the tests shall be borne by the permittee. The reports shall be provided to the Director of Planning and the permittee within 15 calendar days after completion of the tests. If any of the measurements are found by the consultant to exceed the results of the FSEIR modeling, the permittee shall submit a corrective action plan to the Director of Planning within 15 calendar days after receipt of the report from the consultant. The corrective action plan shall specify a schedule for remedial action as soon as reasonably practical.

The Director of Planning shall approve or disapprove the corrective action plan within 15 calendar days of receipt of the plan. If the Director of Planning approves the corrective action plan, or if the applicant otherwise fails to submit a corrective action plan to the satisfaction of the Director of Planning, then the Director of Planning may determine if he or she will require the permittee to implement additional measures to reduce the air quality impacts,

such as by additional paving of unpaved roads, additional watering and application of soil sealant, relocating of the working face to designated locations during windy conditions, monitoring at sensitive sites throughout the community, or mandatory closures during extreme wind.

The permittee may appeal the Director's action pursuant to procedures in 12.24.G of the Los Angeles Municipal Code. The Director of Planning, with the advice of the TAC, may reduce the frequency or discontinue the testing if found that such tests are not valid or useful.

The independent air quality consultant will also, prior to the start of construction conduct additional testing of landfill gas, dust, and diesel particulates at Van Gogh Elementary School, and model emissions projected with the implementation of the landfill, and shall conduct onsite monitoring once the landfill is open. The testing protocol, results and mitigations, if necessary, will be evaluated and approved by the South Coast Management District (SCAQMD) and the Technical Advisory Committee.

b. On-site and Off-site Tree Mitigation

- 1) **On-Site Tree Mitigation Buffer.** One year after the start of the operation in the City Landfill, the permittee shall begin to plant a tree buffer in a density (i.e., approximately 1,000 trees) and at a height that decreases the particulate and emissions from the landfill. The location of the on-site tree mitigation buffer shall be south of the landfill above the residential community. Success of the mitigation measure shall be evaluated by its ability to minimize dust and emissions south of the site, as measured by the testing required in Condition No. C.10.a, and results of the tests may result in terminating the testing.
- 2) **Off-site Tree Mitigation.** The landfill operator shall provide a total of 1,000 trees over the initial three years of operation to the City of Los Angeles for planting in the North Valley area. Trees shall not be less than eight feet in height, not less than two inches in trunk diameter, and with not less than five foot spread except for oak trees which shall not be less than six feet in height, not less than one inch in trunk diameter measured one foot above ground. Further, all trees shall be in a healthy growing condition. Root bound trees are not acceptable. The variety and placement of trees shall be subject to approval by the Department of Public Works' Street Tree Division. The Technical Advisory Committee shall administer the distribution of trees.

- c. The operator shall submit, as part of its annual report, an evaluation of the feasibility of beneficial reuses of the landfill gas collected at the site such as landfill-gas-to-energy.
- d. The applicant/operator shall either purchase or investigate the purchase of non-diesel, alternative fuel vehicles and equipment, as follows:
 - 1) Upon commencement of operation of the landfill, all light-duty vehicles operated at the site shall be alternative fuel vehicles.
 - 2) Within the first year of operation, ten alternative fuel refuse collection trucks or transfer trucks shall be purchased by the applicant/operator and put into operation at the landfill.
 - 3) Within three years of the date that the Technical Advisory Committee determines that the technology and economics are feasible, and thereafter, operation of all transfer trucks entering the landfill shall be non-diesel alternative fueled vehicles.
 - 4) Within three years of the date that the Technical Advisory Committee determines that the technology and economics are feasible, all transfer and collection trucks owned and leased by the applicant/operator and used at the landfill shall be non-diesel alternative fueled vehicles.
 - 5) Within six years of the date that the Technical Advisory Committee determines that technology and economics are feasible, seventy-five percent (75%) of all trips (by trucks which have a capacity of nine tons or greater) entering the landfill, shall be made by non-diesel alternative fueled vehicles.
 - 6) Within one year of operation, the applicant/operator shall design and begin implementation of at least one heavy-duty alternative fuel off-road equipment pilot program.
 - 7) With the assistance of the South Coast Air Quality Management District and the Department of Environmental Affairs, the applicant/operator shall use its best efforts to participate in the Arco Clean Diesel Demonstration Program with one or more pieces of off-road heavy-duty equipment.
 - 8) The applicant/operator shall submit, as part of its annual report to the Technical Advisory Committee, an ongoing evaluation of compliance with 1 - 7 above. Technical or economic infeasibility shall be the sole

bases on which the operator may appeal the requirements established by this condition, [Q] C.10.d, pursuant to procedures in 12.24 G of the L.A.M.C.

- e. The permittee shall provide access to back-up generator(s) for emergency use in case of prolonged power outage to prevent the migration/emission of landfill gas, unless otherwise prohibited by AQMD due to air quality concerns.
- 11. Storm Water. The operator shall provide a copy of the LARWQCB required quarterly testing on surface water quality samples to the Department of Public Works Storm Water Management Division for review.
- 12. Technical Advisory Committee. An ad hoc committee of City Departments chaired by the Director of Planning or Designee shall be established for the purpose of reviewing, coordinating, and certifying satisfactory completion of plans, permits and agreements required and/or authorized by the subject approval including the [T] and [Q] Conditions and Mitigation Monitoring and Reporting Program (MMRP) before commencing work or opening of the landfill and during its operation.
 - a. Composition. The committee shall be composed of representative(s) of the following City Departments, and other City Departments on as-need basis:

Local Enforcement Agency
Department of City Planning
Department of Building and Safety
Department of Public Works, Bureau of Sanitation
Department of Public Works, Bureau of Engineering
Department of Recreation and Parks
Office of the Chief Legislative Analyst
Office of the City Attorney (Environmental/Land Use Sections)
Department of General Services, Fleet Services
 - b. Meetings/Purposes. The Technical Advisory Committee shall meet at least twice a year. It shall carry out the purposes of the subject approval and ensure compliance with the approvals and regulations of state and federal agencies involved in regulating and permitting of the landfill.

Upon the operator's application for compliance to the conditions of approval, the Technical Advisory Committee shall meet to determine if all requirements precedent to commencement of development of the landfill (excepting final approval of plans, permits and agreements) have been met. If the Technical Advisory Committee so determines, it shall certify completion.

Upon application for the landfilling permit, the Technical Advisory Committee shall meet to determine that all requirements precedent to opening the landfill (excepting final approval of plans, permits and agreements) have been met. If the Committee so determines, it shall certify completion of said requirements, recommend approval of permits, and notify appropriate agencies of such requirements.

Each year, the Technical Advisory Committee shall meet to review the annual report submitted by the operator as required by Condition No. A.6 and certify that all requirements of the approval are being met. Further, the TAC shall consider the phasing in of [Q] Condition No. C.10.d. based on economic and technical feasibility, the feasibility of air quality testing at Van Gogh, and the feasibility of video cameras used at the site.

The TAC shall review specific conditions of approval and mitigation measures as requested by the CAC.

- c. **Contract for Mitigation Monitoring.** Prior to the issuance of any building permits, an RFP or RFQ shall be prepared for an independent consultant contracted to monitor the [T] and [Q] Conditions and mitigation measures imposed by this action. The contract shall require that the consultant prepare and submit semi-annual reports as outlined in the conditions. A copy of the contract shall be provided to the City Planning Department for inclusion in the subject case file.

Prior to the issuance of a certificate of occupancy for the facility, an independent consultant shall be contracted to monitor the [T] and [Q] Conditions and mitigation measures imposed by this action for a minimum of five (5) years.

- d. **Access to Site and Information.** The permittee/operator shall provide to the Technical Advisory Committee and its independent consultant(s), access to all areas of the site during normal hours of operation and shall respond to all information requests from the TAC in a timely manner regarding compliance with [T] and [Q] Conditions and the Mitigation Monitoring and Reporting Program.

- 13. **Community Advisory Committee (CAC).** The local Council Office shall appoint a Community Advisory Committee to serve as a liaison between the permittee and the community and as a means for the community to communicate with the Technical Advisory Committee and regulatory agencies on an ongoing basis regarding issues involved in the development and operation of the landfill. The CAC shall be composed of persons who reside in the vicinity of the landfill and are nominated by recognized community and neighborhood associations. The Councilperson in whose

district the landfill is located and the Councilperson from the district(s) most nearly adjacent to the landfill shall appoint a representative.

a. **Appointments and Terms of Service.**

- 1) **Term of Membership.** Members of the CAC shall serve for a term of four years, except that as provided below. Members of the CAC whose terms have expired shall stay on the CAC until their replacements are approved.
- 2) **Appointment of Members.** To the maximum extent feasible, members shall be appointed as follows:
 - aa. Twenty-five percent (25%) of the members shall have an initial appointment of an one-year term.
 - bb. Twenty-five percent (25%) of the members shall have an initial appointment of a two-year term.
 - cc. Twenty-five percent (25%) of the members shall have an initial appointment of a three-year term.
 - dd. Twenty-five percent (25%) of the members shall be at large selected by a majority and shall have initial appointment of a four-year term.
 - ee. Appointees serve at the pleasure of the appointing authority and the appointment may be rescinded at any time prior to the expiration of a member's term.
- 3) **Vacancies.** In the event of a vacancy occurring during the term of a member of the CAC member, the same body or official, or their successors, who appointed such member shall make an interim appointment of a person to complete the unexpired term of such member.
- 4) **Expiration of Term.** Upon expiration of a term for any CAC member, the appointment for the next succeeding term shall be made by the same body or official, or their successors, who made the previous appointment. No CAC member shall serve more than two consecutive four-year terms.

b. Upon appointment of the CAC by the Council person(s), the permittee shall do the following:

- 1) Provide qualified personnel to regularly attend CAC meetings;
 - 2) Provide reasonable access to the landfill site and information concerning landfill operations necessary for the committee to perform the committee's functions; and
 - 3) Provide accommodations for CAC meetings.
- c. The City CAC may request the TAC to review specific conditions of approval and mitigation measures.
- d. Upon the establishing of a Joint Powers Agreement or other coordinating instrument with Los Angeles County for the operation of a combined landfill, as noted in Condition No. A.9, the City and County CACs shall be merged as determined by the Joint Powers Agreement or coordinating instrument.
14. The permittee/operator shall install video monitoring equipment at the site to ensure compliance with the conditions of operation. The Technical Advisory Committee and its independent consultant(s) shall have access to the video tapes for one year after such recordings are made.
- D. Notice. Notice is hereby given that pursuant to the Section 12.27.1 (Administrative Nuisance Abatement), the City Planning Commission or Zoning Administrator, after conducting a public hearing, may revoke or modify this approval, if the Commission or Zoning Administrator find that these conditions have been violated or that this approval has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and cause the same to be published by posting for ten days in three public places in the City of Los Angeles, to wit: one copy on the bulletin board located at the Main Street entrance to the City Hall of the City of Los Angeles; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department in the City; and one copy on the bulletin board located at the Temple Street entrance to the Hall of Records in the City.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of DEC 08 1999.

J. MICHAEL CAREY, City Clerk

DEC 10 1999
Approved [redacted]

By [Signature]
Deputy

By [Signature]
Mayor
CM

Approved as to Form and Legality

Pursuant to Sec. 97.8 of the City Charter,
approval of this ordinance recommended
for the City Planning Commission.....

JAMES K. HAHN, City Attorney

See attached report
[Signature]
Director of Planning

By _____
City Attorney

File No. 99-1119

posting4

DECLARATION OF POSTING ORDINANCE

I, MARIA C. RICO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 172933 - Sunshine Canyon Landfill - CPC 98-0184 ZC - copy of which is hereto attached, was finally adopted by the Council of the City of Los Angeles on Dec. 8, 1999, & under direction of said Council & said City Clerk, pursuant to Section 31 of the Charter of the City of Los Angeles, on Dec. 13, 1999, I posted a true copy of said ordinance at each of three public places located in the City of Los Angeles, California, as follows: one copy on the bulletin board at the Main Street entrance to City Hall of said City, one copy on the bulletin board on the ground level at the Los Angeles Street entrance to the Los Angeles Police Department in said City, & one copy on the bulletin board at the Temple Street entrance to the Hall of Records of the County of Los Angeles in said City.

The copies of said ordinance posted as aforesaid were kept posted continuously & conspicuously for ten days, or more, beginning December 13, 1999 to and including January 22, 2000.

I declare under penalty of perjury that the foregoing is true & correct.

Signed this 13th day of Dec. 1999 at Los Angeles, California..



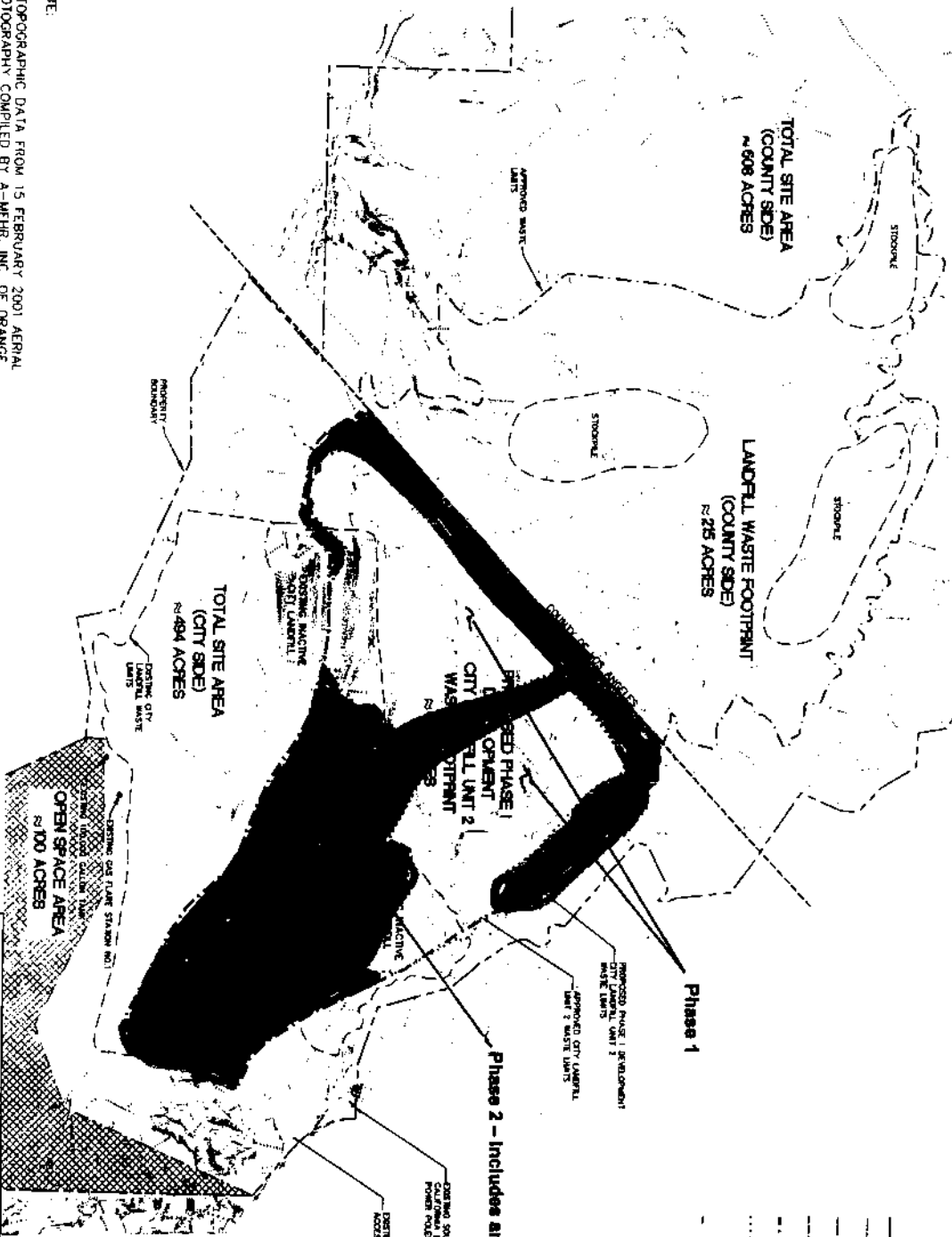
Maria C. Rico, Deputy City Clerk

Effective Date: January 22, 2000

C.F. 99-1112

- NOTE:
1. TOPOGRAPHIC DATA FROM 15 FEBRUARY 2001 AERIAL PHOTOGRAPHY COMPILED BY A-METHEX, INC. OF ORANGE, CALIFORNIA
 2. PROPERTY BOUNDARY FROM SHEET 1, JOB 1482, DATED 4/3/99 BY KENYON ENGINEERING, INC. OF VICTORVILLE, CALIFORNIA
 3. ALL LOCATIONS ARE APPROXIMATE

DWG: 04/35/00B-2-3A.DWG 20010241012 IP



- LEGEND**
- EXISTING GROUND ELEVATION CONTOUR
 - PROPERTY BOUNDARY
 - CITY/COUNTY BOUNDARY
 - APPROVED PHASE 1 DEVELOPMENT CITY LANDFILL UNIT 2 WASTE LIMIT
 - APPROVED PHASE 2 DEVELOPMENT CITY LANDFILL UNIT 2 WASTE LIMIT
 - OPEN SPACE AREA LIMIT

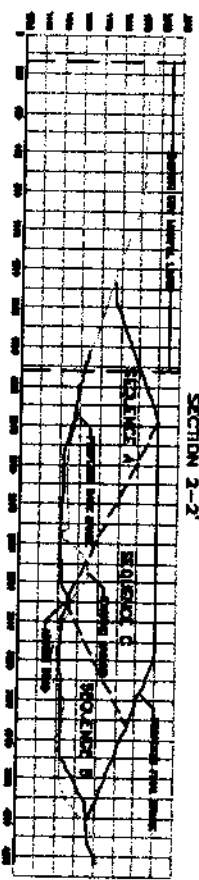
Phase 2 - Includes and Overlays Phase 1 Areas

0 400 800
SCALE IN FEET

GEOSYNTEC CONSULTANTS

EXISTING TOPOGRAPHY
PHASE 1 OF CITY LANDFILL UNIT 2
CITY OF LOS ANGELES, CALIFORNIA

**FIGURE 3
DEVELOPMENT PHASES**



- LEGEND**
- EXISTING GROUND ELEVATION
 - PROPOSED GRADE
 - PROJECT SITE BOUNDARY LINE
 - CITY/COUNTY LINE
 - PROPOSED DRAINAGE CHANNEL
 - EXISTING CITY LANDFILL WASTE LIMITS
 - PROPOSED EDGE OF WASTE



GEO SYNTec Consultants

DISPOSAL AREA SEQUENCING SECTION 2-2
FINAL ELEVATIONS
SUNSHINE CANYON CITY/COUNTY LANDFILL
SYLMAR, CALIFORNIA

FIGURE NO.

DATE: 15 JUNE 1999



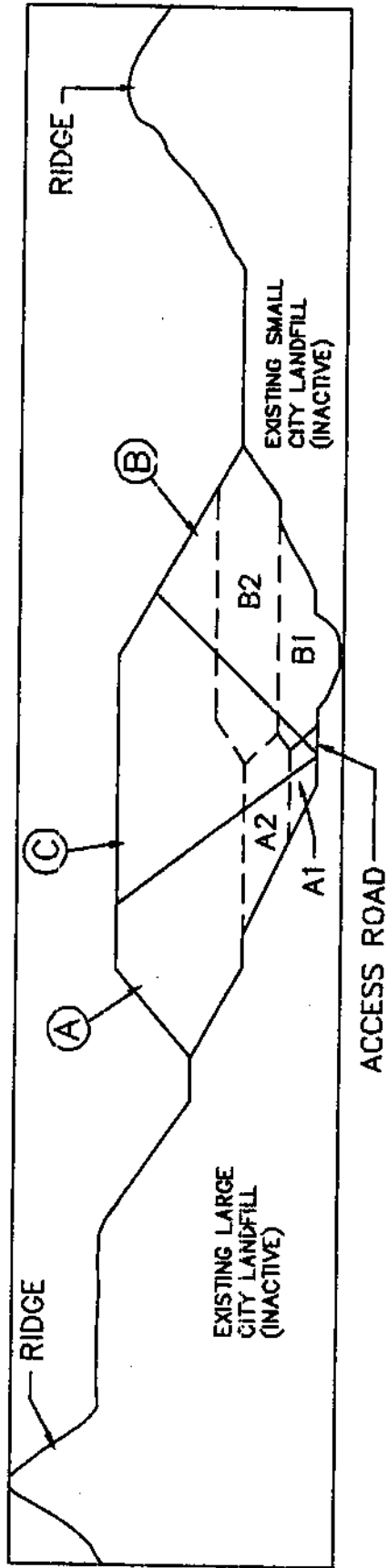
GEO SYNTEC CONSULTANTS

INITIAL DEVELOPMENT AREA
SUNSHINE CANYON CITY/COUNTY LANDFILL
SYLMAR, CALIFORNIA

FIGURE NO.

DATE: 23 FEBRUARY 1999

SECTION 1-1'
NOT TO SCALE



LEGEND

- ① DEVELOPMENT SEQUENCE
- A1 CONCEPTUAL WASTE DEVELOPMENT INCREMENT



GeoSyntec Consultants

SEQUENCED DEVELOPMENT
SUNSHINE CANYON CITY/COUNTY LANDFILL
SYLMAR, CALIFORNIA

FIGURE NO.

DATE: 23 FEBRUARY 1999

ATTACHMENT 5



CITY OF LOS ANGELES
OFFICE OF THE CHIEF LEGISLATIVE ANALYST

GERRY F. MILLER
CHIEF LEGISLATIVE ANALYST

SHARON M. TSO
EXECUTIVE OFFICER

ROOM 255 • CITY HALL
200 N. SPRING STREET
LOS ANGELES, CA 90012
213.473.5746
FAX 213.485.8983

Date: April 21, 2008

To: Honorable Members of the City Council

From: Gerry F. Miller *GFM*
Chief Legislative Analyst

Subject: Joint Powers Agreement to Create a Joint City/County Local Enforcement
Agency for the Sunshine Canyon Landfill

RECOMMENDATIONS:

1. ADOPT the Joint Exercise of Powers Agreement (JPA) (Attachment A), between the City of Los Angeles and the County of Los Angeles, creating a separate entity known as the Sunshine Canyon Landfill Local Enforcement Agency (SCL-LEA) to locally regulate the combined operation of Sunshine Canyon Landfill (SCL) for all certification of solid waste types including the permitting, inspection and enforcement of regulations of solid waste disposal, material recovery, recycling, composting, transformation and conservation technology operations which may occur at Sunshine Canyon Landfill.
2. ADOPT the Resolution (Attachment B) that:
 - Authorizes and instructs the General Manager of the Environmental Affairs Department to execute the attached JPA with the County of Los Angeles on the behalf of the City, subject to the approval of the City Attorney as to form and legality;
 - Withdraws the designation of the City of Los Angeles Environmental Affairs Department as the LEA for the Sunshine Canyon Landfill located at 14747 San Fernando Road, Sylmar, California 91324, subject to state certification of the SCL-LEA as the new LEA.
3. REQUEST the City Attorney to prepare any ordinance which may be needed to implement the above.

APR 22 2008

CD 12
ENERGY & ENVIRONMENT

AD HOC ON RENEW LA

4. INSTRUCT the Chief Legislative Analyst (CLA), the Bureau of Sanitation and the City Attorney to report in 30 days on the status of the Revenue Allocation Agreement with the County of Los Angeles.
5. INSTRUCT the CLA, Planning Department and the City Attorney to report in 30 days on the status of consolidating City and County planning conditions related to SCL.

SUMMARY

The City of Los Angeles and the County of Los Angeles seek to enter into a Joint Exercise of Powers Agreement (JPA) for the creation of a Sunshine Canyon Landfill Local Enforcement Agency (SCL-LEA) that will establish and maintain a separate state-certified Local Enforcement Agency at Sunshine Canyon Landfill (SCL). The SCL-LEA will regulate the combined operations at the Landfill and enforce local and state laws to protect the public health and the environment. Additionally, the SCL-LEA will receive and process BFI's Solid Waste Facility Permit application for the combined operation of SCL.

The creation of the SCL-LEA is necessary for the combined operation of the SCL; combining both the City and County side of SCL into one operation will increase daily capacity to the full 12,100 tons per day for which the landfill is permitted. City and County staff have prepared the attached JPA and Resolution which will consolidate Local Enforcement Agency (LEA) responsibilities related to operations at SCL into the SCL-LEA.

The County Board of Supervisors is tentatively scheduled to consider the adoption of the JPA and a similar Resolution establishing the SCL-LEA on May 6, 2008.

Existing LEA Operations

The California Integrated Waste Management Board (CIWMB) is responsible for ensuring that State waste management programs are carried out through LEAs. LEAs have the primary responsibility for ensuring the correct operation and closure of solid waste facilities in the state. They also have responsibilities for guaranteeing the proper storage and transportation of solid wastes.

At present, operations at SCL are overseen by both the City's Local Enforcement Agency (LEA) on the City side of the landfill, and the County's LEA on the County side of the landfill. Their duties include inspection, permitting, enforcement and complaint investigation at SCL. In order for both sides of the landfill to be operated together as one, the CIWMB requires the creation of an enforcement agency whose jurisdiction covers the entirety of the landfill.

SCL-LEA Joint Powers Agreement

Under the proposed JPA, the specific duties of the SCL-LEA involve permitting landfill activity, regulatory oversight, monitoring closure and post-closure efforts and enforcement of local and state laws and CIWMB regulations at SCL consistent with its Enforcement Program Plan.

The JPA provides that the SCL-LEA shall be administered by a Board of Directors consisting of five (5) members. The Director of the Department of Public Health of the County of Los Angeles shall serve as a director for the SCL-LEA. The City of Los Angeles Environmental Affairs Department General Manager shall serve as a second director for the SCL-LEA. The Los

Angeles County Board of Supervisors shall appoint a third director and the Los Angeles City Council shall appoint the fourth member.

The City LEA Director and the County LEA Director shall nominate a member of the public (Public Director) to be the fifth director, subject to unanimous approval by the other directors of the SCL-LEA Board. The JPA requires that the Public Director be a registered civil engineer licensed in the state with professional experience dealing with public policy, regulatory matters, and environmental issues related to waste disposal.

The JPA maintains that the terms of the County LEA Director and the City LEA Director will coincide with each Director's respective terms of office as Director of County Public Health and General Manager of the City Environmental Affairs Department. The Board of Supervisors and City Council appointees, and the Public Director, will each serve two (2) year terms which may be renewed at the end of the term.

The initial Chairperson of the Board shall be either the City Environmental Affairs Department General Manager or the County Director of the Department of Public Health. The JPA limits the Chairperson's term to one (1) year and will alternate between the County the City.

The City LEA and County LEA staff will support the SCL-LEA and its Board. Each LEA is sufficiently staffed with experienced and qualified technical experts that can carry out activities related to the inspection, permitting, enforcement and complaint investigation of the combined SCL operations.

SCL Background

Browning-Ferris Industries (BFI) owns and operates SCL, a Class III, non-hazardous, solid waste landfill that is located partially in the City and partially within an unincorporated area of the County of Los Angeles. Landfilling operations commenced in the City portion of SCL in 1958 pursuant to a City-issued variance. In 1966, the City approved a 25-year variance that permitted the expansion of landfilling activities to encompass a 300-acre area. Then in September 1991, upon the expiration of the variance, landfilling operations ceased at which time SCL became an inactive City landfill.

In November 1993, the County certified and approved a final environmental impact report (FEIR) and a conditional use permit (1993 CUP) allowing BFI to initiate landfill operations in the County portion of SCL. BFI subsequently commenced operations on the County-side in August 1996.

The 1993 CUP also directed the BFI to obtain approvals from the City to initiate landfilling in the City-side of SCL, which would allow for both a separate City Landfill and a joint City/County Landfill. In December 1999, the City adopted a subsequent environmental impact report (SEIR) and a General Plan Amendment and zone change (GPA/ZC) that permitted BFI to operate and maintain a separate City Landfill and eventually a joint City/County Landfill in the City portion of Sunshine Canyon.

In July 2005, the City's portion of SCL commenced operations. The daily permitted tonnage for both sides of the Landfill amounts to 12,100 tons. BFI is limited to 5,500 tons per day on the City-side and 6,600 tons per day on the County-side of the Landfill.

In February 2007, the County certified an Addendum to the SEIR and FEIR and replaced the 1993 CUP with a replacement conditional use permit (RCUP) to authorize landfilling operations in the County and subsequently as a joint landfill. The RCUP also made various provisions consistent with the City's GPA/ZC. The various City and County approvals permit the operation of a solid waste landfill that shares environmental control elements, use of access roads, scales, administrative offices and other related elements located in both the City and County.

Revenue Allocation Agreement

As part of the establishment of the combined Landfill, City and County staff have been working on a Revenue Allocation Agreement that equitably allocates solid waste tonnage disposed at the facility in order to properly derive each jurisdiction's Franchise Fees.

To equitably allocate each jurisdiction's Franchise Fee total, a distribution formula has been developed based upon the remaining disposal capacity in the City area and the County area of the Landfill. A Landfill Capacity Analysis conducted by A-Mehr, Inc. showed that approximately 70% of the remaining landfill capacity is within the City side, and remaining 30% within the County side.

As a result, City staff proposed that 70% of the solid waste disposed of at the Landfill be applied City's Franchise Fee on behalf of the City, and that the remaining 30% be applied the County's Fee. In this manner there may be a proper calculation of revenues paid by BFI to each jurisdiction in connection with combined operation of the Landfill.

County staff has informed the City that the 70/30 capacity distribution appears accurate however they are in the process of verifying related information prior to finalizing the Revenue Allocation Agreement.

Planning Conditions

City and County staff recently began to meet to review each jurisdiction's planning conditions as they relate to SCL, and discuss a consolidation plan. By merging applicable conditions, BFI would be aware of which planning conditions it must adhere to as part of its operation of the combined SCL.

In those cases where City and County conditions conflict, City staff has proposed applying the strictest conditions. Currently, County staff seems open to this approach. At this stage, additional meetings are planned to continue to work on the consolidation of planning conditions.

Attachments: A - Joint Powers Agreement;
B – Resolution.

GFM:CM:RP

ATTACHMENT A

JOINT EXERCISE OF POWERS AGREEMENT

**THE COUNTY OF LOS ANGELES AND THE CITY OF LOS ANGELES JOINT SUNSHINE
CANYON LANDFILL LOCAL ENFORCEMENT AGENCY**

APRIL 16, 2008

JOINT EXERCISE OF POWERS AGREEMENT

THE COUNTY OF LOS ANGELES AND THE CITY OF LOS ANGELES
SUNSHINE CANYON LANDFILL LOCAL ENFORCEMENT AGENCY

THIS JOINT EXERCISE OF POWERS AGREEMENT, dated as of April __, 2008, is made by and between the County of Los Angeles and the City of Los Angeles.

WITNESSETH:

WHEREAS, each of the Contracting Parties desires to enter into a joint exercise of powers agreement providing for the creation of a separate entity known as the Sunshine Canyon Landfill Local Enforcement Agency (hereinafter "SCL-LEA"), separate from the Contracting Parties under Articles 1 through 4, Chapter 5, Division 7, Title 1 of the California Government Code (commencing with Section 6500) (the "Act") to establish and maintain a state-certified Local Enforcement Agency (hereinafter "LEA") to locally regulate the combined operation of the Sunshine Canyon Landfill in compliance with state law and regulations;

WHEREAS, the Sunshine Canyon Landfill (hereinafter "SCL") is a real property located at 14747 San Fernando Road, Sylmar, California 91324 and shall be known as "the Property" and is located within both the jurisdictions of the unincorporated area of Los Angeles County and the incorporated area of the City of Los Angeles, as more particularly described in Exhibit A which is attached hereto;

WHEREAS the landfill operator, Allied Waste Industries, operating as Browning Ferris Industries (hereinafter "BFI"), is seeking to operate the SCL as one entity in both jurisdictions and has prepared, submitted and received land use entitlements from both the County of Los Angeles and the City of Los Angeles to do so subject to BFI's compliance with conditions contained within those entitlements;

WHEREAS, BFI operates the SCL within the City under a solid waste facilities permit (hereinafter "SWFP") issued by the City of Los Angeles' LEA, and the SCL within the unincorporated territory of the County under a SWFP issued by the County's LEA;

WHEREAS, BFI desires to operate the SCL under one single SWFP ("Combined SWFP") that would apply to both jurisdictions;

WHEREAS, the Property requires a SWFP issued by a certified LEA with concurrence by the California Integrated Waste Management Board ("CIWMB"), as required by the Integrated Waste Management Act of 1989, as amended, together with attendant regulations (hereinafter "IWMA");

WHEREAS, the Contracting Parties desire to form one single certified SCL-LEA under Public Resources Code (hereinafter "PRC") Sections 44002, *et. seq.*, to receive and process the application, and issue the Combined SWFP;

WHEREAS, the SCL-LEA will permit and inspect the Property and enforce applicable laws and regulations at the Property to protect the public health and the environment;

WHEREAS, the City LEA and County LEA are currently qualified by technical expertise and experience, and shall be sufficiently staffed, including necessary resources, to carry out the activities related to the inspection, permitting, enforcement and complaint investigation of the operations at the SCL;

NOW, THEREFORE, in consideration of the above premises and of the mutual promises herein contained, each of the Contracting Parties does hereby agree as follows:

ARTICLE I

DEFINITIONS

Section 1.01 Definitions. Unless the context otherwise requires, the words and terms defined in this Article shall have the following meanings for the purposes of this Agreement:

“Agreement” means this Joint Exercise of Powers Agreement.

“Board” means the Board of Directors of the Sunshine Canyon Landfill Local Enforcement Agency as described in Section 2.01 of this Agreement.

“CEO” means the Chief Executive Officer of the County.

“Chairperson” means the Chairperson of the Board of Directors of the Sunshine Canyon Landfill Local Enforcement Agency.

“City” means the City of Los Angeles, California, a municipal corporation.

“City LEA Director” means the General Manager of the City of Los Angeles Environmental Affairs Department or his/her designee.

“Contracting Parties” means the County and the City.

“Councilmember” means a member of the City Council for the City.

“County” means the County of Los Angeles, California, a public body corporate and politic and a political subdivision of the State of California.

“County LEA Director” means the Director of the Department of Public Health of the County of Los Angeles or his/her designee.

“County Supervisor” means a member of the Board of Supervisors for the County of Los Angeles

“Directors” means the members of the Board appointed or selected pursuant to Article II of this Agreement.

“Property” means those parcels of real property that comprise the Sunshine Canyon Landfill, which are more particularly described on Exhibit A which is attached to this Agreement.

“State” means the State of California.

ARTICLE II

GENERAL PROVISIONS

Section 2.01 Board of Directors. The SCL-LEA shall be administered by a Board of Directors consisting of five (5) Directors, including a Chairperson. The Director of the Department of Public Health of the County of Los Angeles or his/her designee shall serve as a director for the SCL-LEA. The City of Los Angeles Environmental Affairs Department General Manager or his/her designee shall serve as a second director for the SCL-LEA. The Los Angeles County Board of Supervisors shall appoint a third director. The Los Angeles City Council shall appoint a fourth director. The City LEA Director and the County LEA Director shall mutually nominate a member of the public (hereinafter "Public Director") to be the fifth director subject to unanimous approval by the other directors of the SCL-LEA Board of Directors. The Public Director shall have experience dealing with public policy, legal/regulatory matters, and environmental issues related to waste disposal and landfill management.

Section 2.02 Terms of Directors. The terms shall be as follows:

- (a) The term of the County LEA Director will be coterminous with such Director's term of office as Director of Public Health of the County or until such time as this Agreement is terminated, whichever occurs first. The term of the City LEA Director will be coterminous with such Director's term of office as General Manager of the City Environmental Affairs Department or until such time as this Agreement is terminated, whichever occurs first. In the case of a vacancy in the office of the County LEA Director or City LEA Director, the person serving as the interim director of the County LEA or the City LEA, respectively, or his/her designee shall serve as a director on the Board of the SCL-LEA (but not as Chairperson of the Board) until such time as the office within the County LEA or the City LEA is filled.
- (b) Appointees of the Board of Supervisors and the City Council will serve for two (2) years, unless removed sooner by their respective appointing agencies, after which time new members may be selected or each current member's appointments may be renewed.
- (c) The first Public Director will serve for two (2) years, after which time a new Public Director may be nominated and voted upon or the current Public Director re-nominated and voted upon.

Section 2.03 Vacancy Provisions

In the case of a vacancy in a membership position on the Board, the vacancy shall be promptly filled by appointment or selection thereto by the same party or parties that made the original appointment or selection.

Section 2.04 Meetings of the Board.

- (a) Regular Meetings. Meetings of the Board may be called by the Chairperson or any two(2) Directors. The Board shall hold at least one regular meeting each year at which time the Board will review and evaluate the activities of the SCL-LEA and resolve any issues agendized for the meeting.
- (b) Special Meetings. Special meetings of the Board may be called in accordance with the provisions of Section 54956 of the California Government Code or any successor provision thereto.
- (c) Call, Notice and Conduct of Meetings. All meetings of the Board, including without limitation, regular, adjourned regular and special meetings, shall be called, noticed, held and conducted in

accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code) or any successor provision thereto.

Section 2.05 Minutes. The Secretary shall cause minutes to be kept of the Board of Directors' meetings and a copy of the minutes shall be forwarded to each director.

Section 2.06 Voting. Each Director, including the Chairperson, shall have one (1) vote.

Section 2.07 Quorum; Required Votes; Approvals. The presence of four (4) voting Directors shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn from time to time. The affirmative votes of four (4) directors shall be required in order for the Board to take any action, unless a greater number is required by law or by this Agreement for any specific action.

Section 2.08 Bylaws. The Board may adopt, from time to time, such bylaws, rules and regulations for the conduct of its meetings as are necessary for the purposes hereof.

Section 2.09 Funding and Compensation of Directors. To Be Determined

ARTICLE III

CHAIRPERSON, DIRECTORS AND OFFICERS

Section 3.01 Chairperson. The initial Chairperson of the Board shall be either the City Environmental Affairs Department General Manager or his/her designee, or the County Director of the Department of Public Health or his/her designee, as determined by a vote of the Board, and shall serve for a period of one (1) year. This position as Chairperson shall alternate between the County Director of Public Health and the City General Manager of Environmental Affairs on an annual basis. The Chairperson shall also perform such other duties as may be imposed by the Board.

Section 3.02 Directors. The Directors of the Board shall perform the duties normal to said position, including but not limited to the promulgation and adoption of bylaws, rules, regulations, policies and practices of the SCL-LEA.

Section 3.03 Secretary. The Secretary shall be the City or County LEA Director who is not serving as Chairperson. The Secretary shall maintain and distribute the meeting minutes of the Board and shall cause a copy of this Agreement to be filed with the Secretary of State pursuant to Section 6503.5 of the Government Code.

Section 3.04 Auditor-Controller and Treasurer. The Los Angeles County Auditor-Controller and County Treasurer are hereby designated as the Auditor-Controller and Treasurer of the SCL-LEA. The County Auditor-Controller and Treasurer shall assure strict accountability of all funds and reporting of all receipts and disbursements of the SCL-LEA. The SCL-LEA budget shall include reimbursement of costs incurred by the Auditor-Controller and the County Treasurer.

ARTICLE IV

DUTIES AND POWERS

Section 4.01 General Duties. The SCL-LEA shall be responsible for permitting, on-going regulation, closure and post-closure and enforcement of applicable laws and regulations under the IWMA, the PRC, and State Minimum Standards with regard to the Property, including to perform all functions of an LEA

pursuant to the IWMA and the regulations of the CIWMB in a manner consistent with an Enforcement Program Plan substantially in the form attached hereto as Exhibit B (the "EPP"). Notwithstanding the foregoing, the EPP shall meet the requirements of 14 CCR 18077, which requires approval by the CIWMB. .

Section 4.02 General Powers. The SCL-LEA shall exercise in the manner herein provided any of the powers that are common between the Contracting Parties and necessary for the accomplishment of the purposes of this Agreement.

Section 4.03 Additional Powers. The SCL-LEA shall have all powers provided in Joint Exercise of Powers Act (Government Code sections 6500, *et seq.*), powers provided to a certified Local Enforcement Agency IWMA and any other applicable law now in effect or hereafter enacted.

Section 4.04 Manner of Exercising Power. The powers of the SCL-LEA shall be exercised in the manner provided in the Joint Exercise of Powers Act and those additional powers set forth herein. The SCL-LEA shall be subject to the restrictions upon the manner of exercising power of the County of Los Angeles (Government Code section 6509).

Section 4.05 Obligations of SCL-LEA. The liabilities and obligations of the SCL-LEA shall not be deemed liabilities or obligations of either of the Contracting Parties.

Section 4.06 Separate Entity and Insurance. The SCL-LEA is a separate legal entity from each of the Contracting Parties. The SCL-LEA may procure general liability insurance, as the Board shall approve. Language needs to be reviewed by CEO/Risk Management and City/Risk Management. TBD.

ARTICLE V

CONTRIBUTIONS, ACCOUNTS, FUNDS AND REVENUE PARTICIPATION

Section 5.01 Contributions. The Contracting Parties may: (a) make contributions from their treasuries for the purposes set forth herein; (b) make payments of public funds to defray the cost of such purposes; (c) make advances of public funds for such purposes, such advances to be repaid as provided herein; or (d) use their respective personnel, equipment or property in lieu of other contributions or advances.

Section 5.02 Funds. Subject to the applicable provisions of any instrument or agreement into which the SCL-LEA may enter that otherwise may provide for a trustee to receive, have custody of and disburse SCL-LEA funds, the Treasurer of the SCL-LEA shall receive, have custody of and disburse SCL-LEA funds as nearly as possible in accordance with generally accepted accounting practices, and shall make the disbursements required by this Agreement or to carry out any of the provisions or purposes of this Agreement. Any and all funds designated for the operation of the SCL-LEA, shall be maintained by the Auditor-Controller and Treasurer in an independent interest bearing trust account or fund.

Section 5.03 Personnel and Equipment. The Contracting Parties may agree to provide, at the discretion of their respective governing bodies, personnel and equipment at their own cost and expense, to carry out any of the provisions or purposes of this Agreement.

Section 5.04 Audits and Reports. For any given quarterly period of the SCL-LEA's fiscal year the Treasurer of the SCL-LEA will render an accounting of expenses and revenues related to the Annual Budget (Section 5.06) and Recovery of Costs (Section 5.07) to the Contracting Parties. The Auditor-Controller shall make or contract for an annual audit of the accounts and records of the SCL-LEA.

Section 5.05 Inspection of Records. At any time during normal business hours and as often as any of the Contracting Parties deem necessary, the SCL-LEA shall make available to the Contracting Party(ies) for examination, at reasonable locations within the City of Los Angeles, all of the data and records with respect to the SCL-LEA and all matters covered by this Agreement.

Section 5.06 Annual Budget. The SCL-LEA will establish an annual budget, independent from the budgets of the City and County, reflecting all operating costs incurred by the SCL-LEA, including but not limited to staff, equipment, specialized contracts, legal services, accounting and audit responsibilities, treasury services, and public outreach related to regulatory compliance of the SCL.

Section 5.07 Recovery of Costs. The SCL-LEA will invoice the operator of the property for full recovery of all costs incurred by the SCL-LEA.

ARTICLE VI

TERM

Section 6.01 Term. This Agreement shall become effective on the date that this Agreement has been approved by both Contracting Parties, and shall continue until the later of thirty (30) years after the certified closing of the SCL unless otherwise extended or terminated by the Contracting Parties in accordance with Section 6.02 of this Agreement. At the conclusion of the term of this Agreement under the foregoing provision, the contracting parties will jointly evaluate the further need for a local enforcement agency to continue to regulate the SCL and shall consider extending this Agreement for said purpose.

Section 6.02 Termination. This Agreement may be terminated only by written notice from one of the Contracting Parties to the other Contracting Party, and with notification to the CIWMB, with a minimum of 180 days prior notice. In the event that the SCL-LEA has outstanding debts, liabilities or obligations, such debts, liabilities or obligations must be satisfied or provided for prior to termination of this Agreement.

ARTICLE VII

MISCELLANEOUS PROVISIONS

Section 7.01 Notices. Whenever a notice is required under this Agreement, such notice shall be in writing and shall be deposited in the United States Mail to the addresses specified below, unless a change of address notice has been provided to the Contracting parties and those entitled to copies, as initially listed below. Notice shall be legally effective 48 hours after deposit. Any change of address shall be given in writing in accordance with this Section.

County of Los Angeles
Executive Officer/Clerk of the Board of Supervisors
Room 383
Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012
Attn: Sachi Hamai

County of Los Angeles
Third Supervisorial District
Eighth Floor
Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012
Attn: Alisa Katz, Chief Deputy

County of Los Angeles
Fifth Supervisorial District
Eighth Floor
Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012
Attn: Kathryn Barger, Chief Deputy

County of Los Angeles
Chief Executive Officer
Room 713
Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012
Attn: Lari Sheehan, Deputy Chief Executive Officer

Office of the Mayor
City of Los Angeles
200 North Spring Street, Suite
Los Angeles, CA 90012
Attn: Nancy Sutley, Deputy Mayor for Energy and the Environment

Los Angeles City Council
Council District 12
200 North Spring Street Suite 405
Los Angeles, CA 90012
Attn: Councilmember Greig Smith

With copies to:

City of Los Angeles
City Hall, Room 255
200 North Spring Street
Los Angeles, California
Attn: Chief Legislative Analyst

Los Angeles City Attorney's Office
200 North Main Street Mail Stop 140
Los Angeles, CA 90012
Attn: Keith Pritsker

Office of the County Counsel
County of Los Angeles
500 West Temple Street
Los Angeles, CA 90012
Attn: Frederick Pfaeffle

City of Los Angeles Environmental Affairs Department
Local Enforcement Agency
200 North Spring Street Room 1905
Los Angeles, CA 90012
Attn: Wayne Tsuda, Director

County of Los Angeles
Department of Public Health
Environmental Health
Local Enforcement Agency
5050 Commerce Drive
Baldwin Park, CA 91706
Attn: Iris Aguirre, Chief, R.E.H.S.

Browning Ferris Industries
Sunshine Canyon Landfill
14747 San Fernando Road
Sylmar, CA 91324
Attn: Dave Hauser, General Manager

Section 7.02 Section Headings. All section headings in this Agreement are for convenience of reference only and are not to be construed as modifying or governing the language in the section referred to or defining or limiting the scope of any provision of this Agreement.

Section 7.03 Consent. Whenever in this Agreement any consent or approval is required it shall be made in writing.

Section 7.04 Law Governing. This Agreement is made in the State of California under the constitution and laws of the State of California and is to be so construed and interpreted in accordance with the laws of the State of California. Any legal disputes arising from or related to this Agreement shall be resolved in the State of California by an administrative or judicial body.

Section 7.05 Amendments. This Agreement may be amended at any time, or from time to time, by written agreement executed by the Contracting Parties.

Section 7.06 Enforcement by SCL-LEA. The SCL-LEA is hereby authorized to take any or all legal or equitable actions, including but not limited to injunction and specific performance, necessary or permitted by State law.

Section 7.07 Severability. Should any part, term or provision of this Agreement be deemed by any court of competent jurisdiction to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining portions or provisions shall not be affected thereby and shall remain in full force and effect.

Section 7.08 Waiver. Neither the failure nor the delay by any party hereto in exercising any right, power or privilege will operate as a waiver of such right, power or privilege, and no single or partial exercise of any such right, power or privilege will preclude any other or further exercise of such right, power or privilege.

Section 7.09 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, but all together shall constitute one and the same Agreement.

Section 7.10 Successors. This Agreement shall be binding upon and shall inure to the benefit of the successors of each of the Contracting Parties, respectively. No Contracting Party may assign any right or obligation hereunder without the written consent of the other Contracting Party.

Section 7.11 Privileges and Immunities. All of the privileges and immunities from liability, exemption from laws, ordinances and rules, all pension, relief, disability, workers' compensation and other benefits that apply to the activities of officers, agents or employees of the Contracting Parties when performing their respective functions within the territorial limits of their respective public agencies, shall apply to all persons performing their respective functions and duties on behalf the of the SCL-LEA to the same degree and extent while engaged in the performance of any of the functions and duties of such officers, agents or employees extraterritorially under this Agreement.

Section 7.12 Fiscal Year. The fiscal year of the SCL-LEA, unless and until changed by the SCL-LEA, shall commence on the 1st day of July of each year and shall end on the 30th day of June of the next succeeding year.

Section 7.13 Legal Services. The County Counsel and the City Attorney shall be and act as attorneys for the SCL-LEA. In the event both are precluded from acting because of a conflict of interest or other legal impediment, the SCL-LEA may contract to employ independent counsel to advise and/or represent the SCL-LEA and the costs of independent counsel shall be incurred by the SCL-LEA. Any such costs thereof shall be recovered from funding established for this purpose under Section 5.06.

Section 7.14 Further Assurances. The Contracting Parties agree, promptly upon request, to furnish, execute and deliver to each other all such further information, and to perform or refrain from performing all such actions, as the requesting Contracting Parties may reasonably request for the purpose of carrying out the intent of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their authorized officers and their official seals to be affixed hereto as of the date first herein above written.

County of Los Angeles

Jonathan E. Fielding, M.D., M.P.H.
Director and Health Officer
Department of Public Health

Date: _____

City of Los Angeles

Dietrich B. Allen, General Manager
Environmental Affairs Department

Date: _____

APPROVED AS TO FORM:

Raymond G. Fortner, Jr.
County Counsel

By _____
Deputy County Counsel

Date: _____

APPROVED AS TO FORM AND CONTENT:

Rockard J. Delgadillo
City Attorney

By _____
Keith W. Pritsker
Deputy City Attorney

Date: _____

[Signatures continue on next page]

ATTEST:

Executive Officer/Clerk of the Board of Supervisors

By _____

Date: _____

City Clerk

By _____

Date: _____

EXHIBIT A
DESCRIPTION OF THE PROPERTY

Sunshine Canyon Landfill is a real property located at 14747 San Fernando Road, Sylmar, California 91324. The Sunshine Canyon Landfill is located at the border between the City of Los Angeles and the unincorporated territory of Los Angeles County, to the West of the intersection of the Golden State (I-5) and the Antelope Valley (R-14) Freeways. Sunshine Canyon Landfill is contained within portions of Section 23, 24, 25, and 26, Township 33 North (T3N), Range 16 West (R16W) of the San Bernardino Base and Meridian and is centered at latitude 34 degrees 19 minutes and 45 seconds North, and longitude 118 degrees 30 minutes and 48 seconds West.

ATTACHMENT B

RESOLUTION

WHEREAS, the Council of the City of Los Angeles is required by Sections 43202(c) and 43203(c) of the Public Resources Code to designate a Local Enforcement Agency (LEA) to carry out the provisions of the California Integrated Waste Management Act of 1989; and

WHEREAS, the Council of the City of Los Angeles desires to withdraw the designation of the City of Los Angeles Environmental Affairs Department as the LEA for the Sunshine Canyon Landfill; and

WHEREAS, the City of Los Angeles and the County of Los Angeles desire the formation of a Joint Powers Authority for the creation and operation of the Sunshine Canyon Landfill Local Enforcement Agency; and

WHEREAS, the Sunshine Canyon Landfill Local Enforcement Agency would possess the required capabilities in solid waste enforcement to implement the enforcement provisions of the California Integrated Waste Management Act of 1989 and the regulations and ordinances that have been and may be adopted pursuant thereto; and

WHEREAS, the Sunshine Canyon Landfill Local Enforcement Agency would have the technical expertise, adequate staff resources, adequate budget resources and training to carry out the enforcement program specified by law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Los Angeles authorizes and instructs the general manager of the Environmental Affairs Department to execute the attached Joint Powers Authority with the County of Los Angeles for the creation and operation of the Sunshine Canyon Landfill Local Enforcement Agency as the LEA for all certification types including the permitting, inspection and enforcement of regulations of solid waste disposal, materials recovery, recycling, composting, transformation and conversion technology operations which may occur at the Sunshine Canyon Facility.

BE IT FURTHER RESOLVED that the Council of the City of Los Angeles withdraws the designation of the City of Los Angeles Environmental Affairs Department as LEA for the Sunshine Canyon Landfill located at 14747 San Fernando Road, Sylmar, California 91324, subject to state certification of the Sunshine Canyon Landfill Local Enforcement Agency as the new LEA.

ATTACHMENT 6

From: ETseng@aol.com [ETseng@aol.com]
Sent: Wednesday, May 07, 2008 11:09 AM
To: Keith.Pritsker@lacity.org; FPFAEFFLE@counsel.co.la.ca.us; Pfaeffle, Frederick
Subject: Fwd: FW: Attachment: Sunshine Cyn LF - Response to Comments Matrix

From: pwillman@bas.com
To: etseng@aol.com
CC: Tony.Pelletier@awin.com
Sent: 4/11/2008 3:39:55 P.M. Pacific Daylight Time
Subj: FW: Attachment: Sunshine Cyn LF - Response to Comments Matrix

Hi Eugene,

Here is an electronic version of the matrix. Have a great weekend!

Paul Willman
Senior Project Manager
Bryan A. Stirrat and Associates
1360 Valley Vista Drive
Diamond Bar, CA 91765
(909)860-7777
Fax (909)860-8017
Mobile (909)633-0943
-----Original Message-----

From: Jo Davis [mailto:jdavis@bas.com]
Sent: Friday, April 11, 2008 3:35 PM
To: 'Paul Willman'
Subject: Attachment: Sunshine Cyn LF - Response to Comments Matrix

PYR

Wondering what's for Dinner Tonight? Get new twists on family favorites at AOL Food<<http://food.aol.com/dinner-tonight?NCID=aolfod00030000000001>>.



Compose Email:

Tony.Pelletier@awin.com

[Add to Contacts](#)

SUNSHINE CANYON LANDFILL JTD RESPONSE TO AGENCY COMMENTS

Agency	Comments	Response	Section Amended	Status
City of Los Angeles LEA	1) Previous comment # 4, overlap drawing not provided "E 1-16, Phased Closure Sequencing, last paragraph and continuing onto page E 1-17. Additional detail and description is needed on how this final cover interface will meet the protective requirements. Text indicates that "additional vegetative layer" will be placed to overlap the edge of the final cover by 10 feet (some other areas, by 20 feet). The LEA is concerned that the overlap areas where the proposed new final cover merges with the existing monolithic final cover may be inadequately protective. Detail drawing is required to show the additional vegetative soil overlap placement for situations where the 10 foot overlap is utilized, and a separate detail drawing for the situations where the overlap is 20 feet (traffic areas)."	This part of the text is referring to final closure caps adjacent to active areas with intermediate cover. The vegetative layer simply overlaps the existing intermediate cover as indicated in the text. For example the area adjacent to closure Phase B is closure phase E. The overlap referred to will occur over future closure phase E from 10 to 20 feet as indicated until it is actually closed. It is not referring to overlap of closure caps over previously closed monolithic covers. That is already depicted in Figure 24A, detail 2 in the JTD.	No section amended.	Completed
City of Los Angeles LEA	2) Volume 1, C.3-7, Text description of bottom area liner system and drawing are not consistent with each other. Either the drawing and/or the description is/are incorrect	The text in Section C.3 has been corrected as well as Figure 23.	Figure 23 and Section C.3	Completed
City of Los Angeles LEA	3) Previous City LEA Comment Number 37, JTD was not addressed, "Appendix N, Excavation Slope Stability Analysis and Final Refuse Fill Slopes, Figure 7-6, and Figure 7-7, and Figure 7-8, Section C-C' and Section D-D': The Section C-C' and Section D-D' slope stability analysis cross section have a stabilizing toe berm which abuts next to "existing topography". The "existing topography" is in the area of the previous closed/inactive City Landfill. Figure 7-7 and Figure 7-8 should show the MSW portion in the cross section depiction. Please differentiate the portions that are soil, and the portions that are MSW. Please also confirm that in the assessment of the MSW at the toe of the proposed landfill expansion."	Section C-C' does not cross through the old City Unit 1 Landfill waste prism. Section D-D' does cross through the waste. GLA is creating a technical memo that will address this issue. Text will be revised to reference new information as Appendix N.	Section C.3.2.2 and Appendix N	In progress
	The newest submission (November 2007, Appendix S) does not have the same slope stability analysis as the previous submission. The current submission's analysis is not applicable to Figure 1a and Figure 1b included in Appendix S (Slope Stability Analysis SCL City) for which the slope stability analysis performed. The stability analysis was not done on the proposed final contours, and this whole section is inadequate for our analysis and incorrect as written. The current Appendix S is not applicable to the expansion.	The text in Section C.3.2.2 has been revised to indicate that Appendices R and S have been provided for informational purposes for the existing City and County landfills and that Appendix N provides the stability analysis for the consolidated SCL which does analyze the proposed final contours.	Section C.3.2.2	Completed

SUNSHINE CANYON LANDFILL JTD RESPONSE TO AGENCY COMMENTS

Agency	Comments	Response	Section Amended	Status
City of Los Angeles LEA and CRWQCB	<p>Requested Corrections/Revisions to the Slope Stability Analysis (3/27/08). Follow up to Comment #3 above.</p> <p>Correct cross-sections and redo stability analysis as needed to account for the fact that a portion of the proposed expansion is on an existing closed City landfill, and that the base liner angle will be steeper due to additional settlement of the existing landfill ("bowling effect"). Prepare an analysis to show the "sensitivity" of safety factor of this potential increased slope angle for the base liner that is placed over an existing landfill.</p> <p>The toe of the landfill also intersects part of the closed City landfill. Review if the potential settlement of the closed landfill may potentially impact the functionality of the toe berm.</p> <p>Revise/recalculate the critical shear strength parameters for the proposed liner system using a reinforced GCL.</p> <p>On Section D-D', the parameters/calculations indicate the use of cementitious materials being used for the toe berm. Since this is not what is ideal (e.g., cracking, etc.,) and not what is actually being proposed, revise the drawings (and cross sections) to reflect what is actually being proposed, e.g., soil, MSW, etc.) The slope stability analysis should be redone to reflect the changes.</p> <p>Include the figures/drawings to reflect the actual proposed final cover design on each of the cross sections used for the slope stability analysis. (The current cross section drawings of the cover (in the appendix) are not what is being proposed).</p> <p>Provide reference drawing that shows the small ridge area in the area of the toe berm of cross section D-D'.</p>	<p>The stability analysis is being reviewed and revised as appropriate by GeoLogic Associates based on discussions at the meeting on March 25, 2008 with the agencies regarding this issue. Appendix N will be revised accordingly upon completion of the stability review revision.</p> <p>The cross-sections will be added to Appendix N as part of the technical memos.</p> <p>The referenced drawings will be provided.</p>	Section C.3.2.2 and Appendix N	In progress

**SUNSHINE CANYON LANDFILL JTD
RESPONSE TO AGENCY COMMENTS**

Agency	Comments	Response	Section Amended	Status
City of Los Angeles LEA	<p>4) Volume 1, Section B2.2.7.</p> <p>The JTD states that up to 6,600 tons per week of exempt materials are received. "Processed" green waste may be received. The LEA requests a description of "processed" green waste. Note the previous LEA comment number 21:</p> <p>Please specify the source / origin of the green waste to be received and processed. Please note that recent green waste contamination studies indicate that the level of contamination in green waste collected from City of Los Angeles source separated residential green waste programs ("green bin") does not meet the CIWMB requirement for a maximum of one percent (1%) contamination in "clean green" green waste. As such, the "green waste operation" is treated as a transfer, e.g., load check procedures, odor management plan, etc.</p> <p>The green waste that is received must be under 1% contamination if it is to be an "exempted" material. If the green waste is screened or otherwise "processed" at another location to reduce the level of contamination, please state so. As noted in the previous comment, green waste from source separated residential programs will most likely not meet the contamination level requirements. CIWMB policy requires these incoming green waste loads to be checked on a load basis.</p>	The text in Section B.2.2.7 has been revised to describe "processed green waste". Appendix E has been revised to indicate that the green waste received is under 1% contamination.	Section B.2.2.7	Completed
City of Los Angeles LEA	Change JTD to reflect cleaning out sedimentation basin as soon as practicable.	Section B.7.1.5 has been revised to indicate that the basin is cleaned of any debris as rapidly as possible to maintain capacity.	Section B.7.1.5	Completed
City of Los Angeles LEA	Final Cover needs to be reviewed and approved over old SCL Unit 1 prior or expansion into that area.	Field permeability tests and another year of infiltration data were requested by RWQCB. This data has been included in the Final Cover Report and will be transmitted shortly to the RWQCB for review and approval.	No section amended to date.	In progress
CIWMB	<p>Comment to Response 1-</p> <p>The submittal only included one page on which meetings beyond 12/8/1999 were not identifies. It's possible that the submittal accidentally left out additional pages with the more recent meetings.</p>	The incorrect list was sent with the application. The correct list was obtained and will be provided.	SWFP Application Attachment 7	Completed

**SUNSHINE CANYON LANDFILL JTD
RESPONSE TO AGENCY COMMENTS**

Agency	Comments	Response	Section Amended	Status
CIWMB	<p>Comment Response 6- When reviewing the revised information on the application it was observed that for the site capacity currently permitted the addition of the 13,441,300 cy for the city and the county provide a total of 50,756,652 cy and that the site capacity used to date (25.6 mcy) when added to the site capacity remaining (25.2 mcy) equals this total amount however the capacity used to date and capacity remaining combine the city and the county capacities and don't identify the specs amount for each. These figures are as of October 31, 2007. In the Notes on the page titled "Landfill Capacity Survey Results" it identifies the "remaining capacity" for the currently permitted city landfill as 10.07 mcy and for the county it provides a figure of 17.2 mcy (both of these are as of October 19, 2006). If both of the remaining volumes as of the 2006 date are added it totals 27.9 mcy for a difference of 2.7 mcy between the 2006 and 2007 figures.</p> <p>Some of this capacity was consumed at the city landfill and some at the county landfill but the information isn't in the JTD. At the bottom of the Landfill Capacity Survey Results page it states "See Appendix C for Additional Capacity and Site Life Calculations". The calculations in Appendix C combine the currently permitted airspace also and don't identify that capacity which was consumed on the city side individually between the dates of October 19, 2006 and October 31, 2007. Since tonnage figures of materials disposed of at each landfill are available the complete picture can be illustrated. The individual calculations should be available in Appendix C and perhaps entered into notes of the Landfill Capacity Survey Results.</p>	The capacity calculations have been corrected and are to be included in Appendix C of the JTD. The text in Section B.3.3.1 has been revised accordingly.	Section B.3.3.1 and Appendix C	Completed
CIWMB	<p>Comment to Response 11- On Table 23 which is intended to provide a volumetric summary the capacity used to date is not consistent with figures provide on the application. [See above comment to response 6.] In addition to the October 31, 2007 remaining capacity figures being included in the Appendix C, and in the notes on the Landfill Capacity Survey Results there is no reason why they shouldn't also be included in Table 23.</p>	Table 23 has been corrected to reflect the correct information and calculations.	Table 23	Completed

**SUNSHINE CANYON LANDFILL JTD
RESPONSE TO AGENCY COMMENTS**

Agency	Comments	Response	Section Amended	Status
CIWMB	<p>Comment to Response 12-</p> <p>In section B.3.31 - Site Life it mentions that the remaining gross airspace is 115.6 mcy (as of 10/31/2007). However in this section proceeding this (B.3.2.) it mentions that 22.9 mcy of gross airspace have been consumed (as of 10/19/2006). If the remaining gross airspace is subtracted from the total proposed airspace of 141.2 mcy it provides the same figure as that which is included on the application for site capacity used to date (25.6 mcy) but if remaining gross airspace of 115.6 mcy (as of 10/31/2007) is added to the 22.9 mcy figure (as of 10/19/2006) it doesn't equal the total proposed airspace of 141.2 mcy.</p> <p>Why can't the figures in section B.3.2 be revised to be consistent with the October 31, 2007 calculations? [Also it was observed that in Appendix K that there may be as much as 90 feet of settlement in some fill areas of the landfill. In section B.3.3.1 as well as in Appendix C there is no discussion of additional site life due to settlement.]</p>	Table 23 has been corrected to reflect the correct information and calculations.	Table 23	Completed
CIWMB	<p>In five areas of the site the distance between probes exceeds 1000 feet as required in §20925(b)(1). These areas are between probes P-203&P-204, P-204&P-205, P-208&P-209, P-209&P-210, and P-212&P-213. The maximum 1000 foot spacing was placed in the standards based on the assumption that the off site area in question is remote, uninhabited and with no current environmental impacts. To exceed the maximum 1000 foot spacing the operator per §20923(a)(2) must also demonstrate that there are no potential landfill gas (LFG) migration pathways through the local geology. BAS has not demonstrated this. It should be noted that probes P-201, P-211, P-212, P-230 and P-231 are shown within the approximate limits of refuse. Probe P-202 appears surrounded by refuse on three sides. If these probes are truly in or surrounded by refuse they are not valid monitoring points and this will result in additional areas where the 1000 foot spacing is exceeded.</p>	Allied met with Board staff and is working on revisions to the gas plan per their direction.	No section amended to date.	In progress

**SUNSHINE CANYON LANDFILL JTD
RESPONSE TO AGENCY COMMENTS**

Agency	Comments	Response	Section Amended	Status
CIWMB	<p>All but three of the existing probes do not comply with §20925(c)(1) which requires all monitoring wells to equal the maximum depth of waste which is 1400 feet for SCL. In Table 24 BAS requests "depth modifications" for all probes not meeting the 1400 feet depth requirement.</p> <p>The depths of probes P-201 through P-212 do not exceed 40 feet. At this depth they are as much as 510 feet too short and as little as 193 feet too short.</p> <p>Table 24 contains a column indicting the "elevation of deepest waste adjacent to probe". Actual probe depths were also way short of the values in this column even though they were much less than the maximum depth of waste. It is not clear what the purpose of this column is. It is also not clear how far "adjacent" is.</p> <p>Per §20925(c)(2) the operator can request modifications to this requirement, but they must demonstrate that the proposed modified depths are sufficient to detect migrating LFG and they have not done this.</p>	Allied met with Board staff and is working on revisions to the gas plan per their direction.	No section amended to date.	In progress
CIWMB	The existing monitoring wells were built in 1999 and 2005. Their design and construction could not have taken into account the new LFG standards. As a result, all existing monitoring wells probably do not comply with the requirements of §20925(b)(2) in that they were not spaced to align with gas permeable stratigraphic features like sand or gravel lenses. It also appears that the probes were not constructed to comply with §20925(c)(1)(D) in	Allied met with Board staff and is working on revisions to the gas plan per their direction.	No section amended to date.	In progress
CRWQCB	<p>1) Geologic Map and Cross Sections -</p> <p>Section 21750(1)(1) of 27 CCR requires a comprehensive geologic map and geologic cross sections showing lithology and structural features to be included in JTDs. The geologic maps provided in the JTD (Figures 44 and 45) are inadequate because the scales are too small and details of many lithologic and structural features are not reliable. Although those maps indicate that cross sections may have been prepared, no geological cross sections are included in the JTD. Those geological maps must be resubmitted in a more readable format and cross sections, especially for areas impacted by landslides, must be included.</p>	Figures 44, 44A, 45, 45A, and 45B have been added to replace Figures 44 and 45 in order to show the geologic map and cross sections for the City and County landfills. Section D.4 has been revised to reflect these figure references.	Section D.4, Figures 44, 44A, 45, 45A and 45B.	Completed

SUNSHINE CANYON LANDFILL JTD RESPONSE TO AGENCY COMMENTS

Agency	Comments	Response	Section Amended	Status
CRWQCB	<p>2) Stability Analysis -</p> <p>Appendix N of the JTD includes slopes stability analyses that were prepared in 2002 for a previous JTD. However, landfill designs in the new JTD are different from those assumed in the 2002 for previous JTD. Specifically, the new JTD proposes a double composite liner system and a final cover system that includes a low permeability (clay) layer, while the 2002 JTD assumed a single composite liner system and a final cover system that included geosynthetic clay liners instead of a clay layer. We understand that BFI will submit stability analysis design plans for each phase of landfill development. However, stabilities of the overall landfill configuration and final refuse slope must be demonstrated in the JTD. In accordance with section 21750(f)(5) of 27 CCR, stability analysis in the JTD must be updated.</p>	GLA is working on creating a technical memo that addresses both RWQCB Comment Nos. 2 and 4. Text will be revised to reference new information as included in the revised Appendix N. In addition, the cover design presented in Section E.1.3.1.2 and Figure 48 has been revised to include a reinforcing geogrid layer below the geocomposite drainage layer. The closure cost estimate will also be revised to include the geogrid cost.	Sections C.3.2.2 and E.1.3.1.2, Figure 48, Table 18 and Appendix N	Appendix N and associated text in Section C.3.2.2 are in progress. Section E.1.3.1.2, Figure 48 and Table 18 are completed.
CRWQCB	<p>3) Leachate Collection Sump -</p> <p>The leachate collection sump displayed in Figure 16 of the JTD is typical for a landfill equipped with a single composite liner system. Because all phases of the processed City / County Landfill will be constructed with double composite liner systems (as displayed in Figure 23), Figure 16 must be replaced.</p>	Section B.3.7.9 of the JTD text has been clarified to indicate that Figure 24 is for proposed phases and Figure 16 is for existing.	Section B.3.7.9	Completed
CRWQCB	<p>4) Settlement Analysis -</p> <p>Section E.1.4 and Appendix K of the JTD present a settlement analysis for the Landfill after final closure. However, Figure 1 of Appendix K does not show any settlement in the Phase I and II areas of the current County Extension Landfill. We are unclear if this is due to the fact that the is-settlement contour interval is too great (20 feet) so that smaller settlements could not be displayed, or those areas were not included in the analysis. In either case, the JTD should clarify whether settlement will occur in those areas. Because of the relatively flat final grade in the northern portion of the Landfill, any settlement may affect the surface water drainage system in the area.</p>	GLA is preparing a revised Figure 1 to Appendix K - Settlement Analysis to address this issue. Additional revisions to include spot settlement on City side outside of the contour lines are being completed pursuant to March 27, 2008 comments by the City of Los Angeles LEA.	Figure 1 of Appendix K	In progress
CRWQCB	<p>5) Financial Assurance for Corrective Actions -</p> <p>Appendix O of the JTD includes an estimate of corrective action cost that was submitted to the Regional Board by BFI in May 2007. However, the Regional Board adopted Order No. R4-2007-0046 on December 6, 2007, and established amounts financial assurances for corrective actions that differ from what had been proposed by BFI. Accordingly, Appendix O and related contents (such as Section D.5.5) in the JTD must be revised.</p>	The new Order will replace the information provided in Appendix O and the text in Section D.5.5 has been revised to reflect this information accordingly.	Section D.5.5 and Appendix O	Completed

**SUNSHINE CANYON LANDFILL JTD
RESPONSE TO AGENCY COMMENTS**

Agency	Comments	Response	Section Amended	Status
County of Los Angeles LEA	1) Page B.3-4 Section 3.7.1 ACCESS ROADS: No response or change was made to the original comment submitted by the LAC LEA regarding the percent grade (%) which is described in the current County JTD. Based on past observations and a notice of violation which was recently issued to the facility for access roads, the County LEA feels strongly that the maximum 7 percent (%) grade for access roads accessing the working face needs to be included into the proposed City / County JTD.	The text in Section B.3.7.1 of the JTD has been revised to describe the grades for the access roads.	Section B.3.7.1	Completed
County of Los Angeles LEA	2) Page B.3-10 Section 3.7.10 FUELING AREA: Since the authoring of this JTD, the sole underground storage tanks has been removed from the facility. Also, all heavy equipment is currently fueled via the wet hose method by either BFI owned service / fuel vehicles or third party fuel trucks. This section should be updated to reflect those changes.	The text in Section B.3.7.10 has been revised to reflect the current fueling operations at the site. Figure 13 has been revised to remove fueling facilities.	Section B.3.7.10	Completed
County of Los Angeles LEA	3) Page B.3-13 Section B.3.7.14 TRASH ROLL OFF BOXES: In the past County LEA staff has been requested by Sunshine Canyon Management to approve the storage of additional trash roll off boxes, within the County Extension Landfill, for use by the waste hauling division of Allied Waste. If it is still the intent of the facility to store additional roll off boxes for the waste hauling division, the quantity of boxes must be provided. Also provide a description of how the additional box storage affects the peak traffic volume, and whether or not the additional box storage was considered when providing the peak vehicle traffic volume information submitted with the permit application?	The box storage does not affect traffic because the roll-off trucks come in full and dump and then switch out the empty box for a different size box. Therefore, they are all landfill related trips.	Section B.3.7.14	Completed
County of Los Angeles LEA	4) Page B.4-5 Section B.4.5 LIGHTING: Although the location, number, and types of permanent lighting has been provided, insufficient information is provided for portable lighting.	Portable/temporary lighting will vary depending on wattage, size of area to illuminated, and type of lighting units since lighting technology is changing which provides more light with less glare and lower emissions as has been tested with the Super Tower light recently demonstrated at the site. Section B.4.5 of the JTD has been revised to reflect this information.	Section B.4.5	Completed
County of Los Angeles LEA	5) Volume 1 Table 6 LANDFILL EQUIPMENT lists only 3 portable Light Plants to be used for night time operations. The current quality of portable light plants indicated in the County JTD is 9. Based on a 6,600 TPD waste streams, 9 Light Plants seen adequate. The LEA opines that for the combined site tonnage of 12,100 TPD. The facility will require more portable Light Plants than what is currently approved for current County only operations.	The County JTD assumed conventional lighting; however, new lighting technology provides more light with less light plants and generators as with the Super Tower light recently trialed at the site. Table 6 of the JTD has been revised to list 3 to 9 plant stands available for portable/temporary lighting at the site.	Table 6 and Section B.4.5	Completed

**SUNSHINE CANYON LANDFILL JTD
RESPONSE TO AGENCY COMMENTS**

Agency	Comments	Response	Section Amended	Status
County of Los Angeles LEA	6) Page B.4-5 Section B.4.71 NUMBERS OF STAFF AND THEIR RESPONSIBILITIES: The current JTD for County operations lists 3 Operations Supervisors for a 6,600 TPD operation. Only 2 Operations Supervisors are being proposed for the 12,100 TPD operations. The LEA does not agree with the proposed 2 Operations Supervisors, and has determined that a minimum of three supervisors would be adequate numbers to oversee the disposal operation being proposed.	The two Operations Supervisors, combined with the Site Manager, General Manager and Environmental Manager provides adequate supervision throughout the day.	No section amended.	Completed
County of Los Angeles LEA	7) Page B.4-10 Section B.4.7.3 SUPERVISORY STRUCTURE: Lists 2 Operations Supervisors. Volume III, Appendix H, Table 7 (should be 1) lists 3 Operations Supervisors.	Table 1 of Appendix H of the JTD has been revised to reflect two Operations Supervisors.	Table 1 of Appendix H	Completed
County of Los Angeles LEA	8) Page B.4-5 Section B.4.7.2 PERSONNEL TRAINING: No information was provided regarding the training and training records for the temporary records laborers who will be working at the facility. No information regarding the temporary laborers and pursuant to 27 CCR Section 20610 is provided.	Section B.4.7.2 of the JTD has been revised to describe temporary labor training.	Section B.4.7.2	Completed
County of Los Angeles LEA	9) Page B.7-13 Section B.7.1.6 LITTER: The 7th bullet in this section identifies a neighborhood survey plan. A reference to the location / section where this neighborhood survey plan is located within this JTD should be provided to ensure that the plan is being implemented and complied with.	The neighborhood survey plan is not included in the JTD. The text has been revised to state that a copy of the plan is available on-site for regulatory review.	Section B.7.1.6	Completed

**SUNSHINE CANYON LANDFILL JTD
RESPONSE TO AGENCY COMMENTS**

Agency	Comments	Response	Section Amended	Status
County of Los Angeles LEA	<p>10) Volume II Appendix H Section 6.2.1 <u>RANDOM SELECTION OF VEHICLES:</u></p> <p>The Amended Zone Change Ordinance for the City and Replacement Conditional Use Permit for the County required that the most restrictive conditions be incorporated for the Combined Landfill. Condition 17.BB.1 of the City SWFP requires that a minimum of 1.5 random load checks be performed per every 1,000 tons of waste received at the landfill.</p> <p>Condition 17 B.1.b.1 of the County SWFP requires that a minimum of six (6) random load checks be performed daily at the facility and that the number of random load checks will be increased by a minimum number of one load check for every 650 tons of waste disposed beyond 4,000 tons to the maximum permitted 6,600 tons per day of refuse per day. Based on these requirements incorporated into the two permits, the County SWFP is more restrictive. The number of random vehicle load checks required in the RANDOM LOAD CHECK PROGRAM for the proposed City / County Landfill should be based on the current County SWFP.</p>	When the math is done the City load check requirements equal to 18.15 load checks for 12,100 tons. The County load check requirements result in 18.46 load checks for 12,100 tons. Therefore, essentially both City and County load checks are equivalent. No changes are proposed to the load check requirements presented in the ITD.	No section amended.	Completed
County of Los Angeles LEA	Comment # 1: On July 31, 2007 the SWMP/LEA approved the decommissioning of perimeter monitoring probes P-211 and P-212 to allow for construction of Phase V of the County Extension Landfill. Upon completion of Phase V Part B, construction of the eastern perimeter access road and approval from the County LEA and Air Quality Management District (AQMD,) replacement probes P-239 and P-240 are to be installed. Replacement of P-211 and P-212 should be based on the original Decommissioning and Replacement approval for the County Extension Landfill and not on the approval of the SCL City/County consolidation.	The previous documentation and approvals are under review and will be incorporated into the JTD.	No section amended to date.	In progress
County of Los Angeles LEA	Comment #2: Table 24 describes Perimeter Probes P-211 and P-212 as being tri-leveled probes and being in compliance with 27 CCR 20925(c) (1). Table 24 should reflect the current status of Probes P-211 and P-212 as approved in the County LEA approval letter dated July 31, 2007.	The previous documentation and approvals are under review and will be incorporated into the JTD.	No section amended to date.	In progress
County of Los Angeles LEA	Comment #3: Page B.7-3 Local Brush Fires: Paragraph 2 describes the Los Angeles County Fire Department Air Operations Section as the unit which has requested the pads for use in supporting local fire fighting efforts. This section should indicate that the pads are located on the City side of the landfill and that City of Los Angeles Fire Department Air Operations will also utilize the facilities.	The text has been revised to reflect the City Fire Department as well as the County Fire Department.	Section B.7.1.1	Completed

**SUNSHINE CANYON LANDFILL JTD
RESPONSE TO AGENCY COMMENTS**

Agency	Comments	Response	Section Amended	Status
County of Los Angeles LEA	Comment #4: Page B.7-4: Item #6 describes the access to site water for use by the fire department fill the "planes/use". The word "plane" should be changed to "helicopter" to reflect the actual use.	The text has been revised to indicate "helicopter" instead of "planes".	Section B.7.1.1	Completed
County of Los Angeles LEA	Comment #5: Drawing 8 identifies the existing perimeter channel between existing Basin "A" and existing Basin "B" on the County side of the facility as the limit of refuse per the legend. Based on this drawing, the existing perimeter channel should be clearly defined.	The leader line points to the channel which is exhibited in the existing topographic contours in gray beneath the refuse limit line.	No section amended.	Completed
County of Los Angeles LEA	Comment #6: No Table 5 is provided in this document as identified on Page 2 of Table 2 under "Cover Frequency".	The table is embedded in the text in Section B.5.2.1; however a stand alone Table 5 has been added to the Tables at the back of the report.	Stand alone Table 5 added to text.	Completed
County of Los Angeles Dept. of Public Works	1. Section A.2.1.2, Proposed Design Features, provide a discussion on the net remaining disposal capacity and total disposal capacity of the site expressed in tonnage as of May 19, 2007.	Section A.2.1.2 of the JTD is an introduction section which summarizes the information to be presented in subsequent sections of the document. The requested information regarding net remaining disposal capacity and total disposal capacity is discussed in detail in Sections B.3.2 and B.3.3. Section A.2.1.2 will not be revised since the requested information is already presented later in the text.	No section amended.	Completed
County of Los Angeles Dept. of Public Works	2. Section A.2.1.2, Proposed Design Features, verify the accuracy of the total landfill acreage for the combined City/County Landfill, which is stated as 379 acres.	The total landfill acreage was determined utilizing CADD software calculations. The area utilized for landfilling from the perspective of the current solid waste facility permits will increase from 246 acres (84 in SCL City and 162 in SCL County) to 379 acres (199 in SCL City and 180 in SCL County). The 199 acre figure includes the 12-acre 500 foot setback area to the north which will consist of soil fill only with no MSW. When this is taken into account the disposal area in the City is actually 187 acres which is within the 194 acres allowed by the City Zone Change and replacement CUP for a total disposal acreage of 367 acres.	No section amended.	Completed
County of Los Angeles Dept. of Public Works	3. Section B.3.7.9, include a discussion to clarify whether collected leachate from the City portion of the landfill may or may not be discharged into the landfill mass. If the discharge is not permitted, explain why it is permitted on the County-side and not on the City-side.	See Section C.3.5.6 of JTD which discusses leachate reintroduction for the entire landfill. The current WDR Order No. R4-2007-0023 for the County issued in 2007 allows for leachate reintroduction over the double liner area, as part of this JTD the applicant is asking to do the same over the double liner areas of the City portion.	No section amended.	Completed
County of Los Angeles Dept. of Public Works	4. Section B.3.7.14, Trash Roll-Off Boxes, revise this section to clarify the use of bins and roll-off containers stored on-site. Is the bin and roll-off container storage at the site related to landfilling activity only or are the bins and containers being stored for use by other enterprises owned by the operator, such as a waste hauling business?	The text has been revised to indicate that the bins are used for landfilling related activities only.	Section B.3.7.14	Completed
County of Los Angeles Dept. of Public Works	5. Table 23, Sunshine Canyon City/County Landfill Volumetric Capacity Summary, add a column showing equivalent tonnage for all data shown.	The table has been revised as requested.	Table 23	Completed

**SUNSHINE CANYON LANDFILL JTD
RESPONSE TO AGENCY COMMENTS**

Agency	Comments	Response	Section Amended	Status
County of Los Angeles Dept. of Public Works	6. Drawing 5, Sunshine Canyon Landfill JTD 2007 Existing Site Plan, the elevations shown as existing grades are the same as the proposed final elevations in Drawing 3, Sunshine Canyon Landfill JTD 2007 Final Grading Plan. Revise Drawing 5 to show the current elevations of the site.	The drawing was mis-titled. It has been corrected to "Proposed Site Plan".	Drawing 5	Completed
County of Los Angeles Dept. of Public Works	7. Pursuant to the County's CUP, BFI must submit and obtain Public Works prior approval for the proposed fill sequencing plan, cell developments, and airspaceusage-by-year analysis (in cubic yards and tons) for a ten year period that is consistent with the proposed development of the combined Sunshine Canyon City/County Landfill.	Comment noted. This comment is related to the Conditional Use Permit and is not related to the adequacy of the JTD. This comment will be addressed directly to the Los Angeles County Department of Public Works under a separate response to comment package with all agencies copied.	No section amended.	No action required in regards to the JTD. Drafting of the response letter to the LADPW is in progress.
County of Los Angeles Dept. of Public Works	8. Provide verification and certification by a licensed surveyor that the installed survey monuments are in place as approved by Public Works on November 29,2007 (copy enclosed), and installed along the Phase V area perimeter. Pursuant to Condition 18 of the County's CUP, the existing survey monuments approved by Public Works and installed along the perimeter of the County Project, as defined, can only be removed or disturbed upon Public Works' prior approval and verification that BFI has fulfilled the County's CUP requirements for operating a combined Sunshine Canyon City/County Landfill (refer to the County Chief Executive Officer's letter dated November 15, 2007(copy enclosed)). In Drawing 9, Sunshine Canyon Landfill JTD 2007 Phase CC-1 Excavation, a note should be added indicating that the proposed excavation requires prior approval of Public Works.	Comment noted. This comment is related to the Conditional Use Permit and is not related to the adequacy of the JTD. This comment will be addressed directly to the Los Angeles County Department of Public Works under a separate response to comment package with all agencies copied.	No section amended.	No action required in regards to the JTD. Drafting of the response letter to the LADPW is in progress.
County of Los Angeles Dept. of Public Works	9. Pursuant to Condition 40 of the County's CUP, provide evidence that all testing and remedial actions required by the California Regional Water Quality Control Board to detect, prevent, and/or correct groundwater contamination and landfill gas leakage into the subdrain system has been completed to the satisfaction of the Water Quality Control Board.	Comment noted. This comment is related to the Conditional Use Permit and is not related to the adequacy of the JTD. This comment will be addressed directly to the Los Angeles County Department of Public Works under a separate response to comment package with all agencies copied.	No section amended.	No action required in regards to the JTD. Drafting of the response letter to the LADPW is in progress.
County of Los Angeles Dept. of Public Works	10. Section F.1.4, Demonstration of Financial Responsibility, Closure/Postclosure Maintenance Fund, the section only discusses financial assurance for the City portion of the landfill. Revise to include a discussion and associated evidence of financial assurance for closure and postclosure maintenance for the County portion of the landfill consistent with the requirements of the County's CUP.	The text in Section F.1.4 includes the totals currently included in the Certificates of Insurance for the City and County Closure costs and County Post-Closure costs.	F.1.4	Completed

SUNSHINE CANYON LANDFILL JTD RESPONSE TO AGENCY COMMENTS

Agency	Comments	Response	Section Amended	Status
County of Los Angeles Dept. of Public Works	11. Section F.1.4, Demonstration of Financial Responsibility, Closure/Postclosure Maintenance Fund, provide an updated Table 18, Closure Cost Estimate, and Table 19, Postclosure Cost Estimate, based on current State regulations and reflect the proposed build-out sequence of the County portion (i.e. considering the total waste in-place and subsequent tonnage for each year) and proposed final build-out design for the ultimate City/County Landfill.	The closure is a phased closure and the costs presented in Table 19 reflect closure of the largest area ever requiring closure as shown on Table 21 pursuant to 27 CCR, Section 21820. Table 21 will be revised to include an additional column which presents an estimated cost to close each phase of the landfill.	Table 21	In progress
County of Los Angeles Dept. of Public Works	12. In Part E, Preliminary Closure and Postclosure Maintenance Plan, revise the plan to show the maintenance of the site in perpetuity pursuant to CUP Condition 32, and show evidence of financial assurance.	Comment noted. This comment is related to the Conditional Use Permit and is not related to the adequacy of the JTD. This comment will be addressed directly to the Los Angeles County Department of Public Works under a separate response to comment package with all agencies copied.	No section amended.	No action required in regards to the JTD. Drafting of the response letter to the LADPW is in progress.
County of Los Angeles Dept. of Public Works	13. Hydrologic map showing the subbasins delineation and hydrologic design data for the Terminal-B drainage area of the landfill (see Table 1, Appendix J of the JTD).	Figure 6 - Drainage TB Hydrology Map, was inadvertently left out of Appendix J. The figure is provided for inclusion into Appendix J.	Figure 6 for Appendix J	Completed
County of Los Angeles Dept. of Public Works	14. Hydrologic map showing the subbasins delineation for the entire Sunshine Canyon Landfill. The map should show how the different subbasins connect with each other and the sedimentation basins, and the paths through which surface flows from the landfill are conveyed to the Terminal Basin.	Figure 6 - Drainage TB Hydrology Map, was inadvertently left out of Appendix J. The figure is provided for inclusion into Appendix J. The 6 figures in Appendix J collectively provide the requested information.	Figure 6 for Appendix J	Completed
County of Los Angeles Dept. of Public Works	15. Electronic files and hard copies of the input and output parameters from the CivilDesign LAR04 Modified Rational Method (MODRAT) computer program used in the hydrologic analysis.	Questa has provided the back-up data for the MODRAT and the data on CD will be provided to the Los Angeles County Department of Public Works.	No section amended.	Completed
County of Los Angeles Dept. of Public Works	16. Electronic files and hard copies of the input and output parameters from the "HECHMS" computer program used in the reservoir routing analyses. Also, provide the stage-storage-discharge tables for the existing and proposed sedimentation basins in the landfill.	Questa has provided the back-up data for the HECHMS and the data on CD will be provided to the Los Angeles County Department of Public Works.	No section amended.	Completed
County of Los Angeles Dept. of Public Works	17. Provide an updated geotechnical report that addresses the latest landfill design as presented in the current JTD. The report must provide, but not be limited to, updated slope stability analyses of all proposed final refuse slopes per the requirements set forth in Title 27 of the California Code of Regulations. Also, provide a geologic cross section for each section analyzed showing the critical failure plane used in the analyses. Show locations of the cross sections used in slope stability analyses on the geologic map. Recommend mitigation if factors of safety are below minimum standards.	The stability analysis is being reviewed and revised as appropriate by GeoLogic Associates based on discussions at the meeting on March 25, 2008 with the agencies regarding this issue. Appendix N will be revised accordingly upon completion of the stability review revision.	Appendix N	In progress

SUNSHINE CANYON LANDFILL JTD RESPONSE TO AGENCY COMMENTS

Agency	Comments	Response	Section Amended	Status
County of Los Angeles Dept. of Public Works	18. The plans indicate that the proposed work is self-contained within the landfill property lines. The consulting geotechnical engineer and engineering geologist of record must provide a statement in conformance with Section 111 of the Los Angeles County Building Code indicating that the proposed grading will have no adverse effect on offsite property.	Comment noted. This comment is related to the Conditional Use Permit and is not related to the adequacy of the JTD. This comment will be addressed directly to the Los Angeles County Department of Public Works under a separate response to comment package with all agencies copied.	No section amended.	No action required in regards to the JTD. Drafting of the response letter to the LADPW is in progress.
County of Los Angeles Dept. of Public Works	19. Pursuant to Condition 6 of the County's CUP, and as required by the Los Angeles County Countywide Siting Element, prior to operation of the City/County Landfill, BFI must obtain (and submit to Public Works evidence of) a "Finding of Conformance" determination by the Los Angeles County Integrated Waste Management Task Force that the proposed project is consistent with the Siting Element.	Comment noted. This comment is related to the Conditional Use Permit and is not related to the adequacy of the JTD. This comment will be addressed directly to the Los Angeles County Department of Public Works under a separate response to comment package with all agencies copied.	No section amended.	No action required in regards to the JTD. Drafting of the response letter to the LADPW is in progress.
County of Los Angeles Dept. of Public Works	The removal of Basin C will result in major changes in the landfills drainage pattern. The new hydrologic analysis for the landfill performed by Questa Engineering Corporation is not consistent with the proposed drainage pattern and drainage conveyance structures shown in the current JTD. As an example, the peak outflow calculated for Basin A in the current JTD is 479 cubic feet per second (cfs). The proposed Channel 2, which conveys the peak outflow from Basin A directly to the Terminal Basin, is shown on the hydrologic map to have a capacity of only 147 cfs.	Drainage from basin D will no longer go to basin A, but will go to basin B instead, lowering the flows to basin A when compared t the current County drainage system. The 147 cfs refers to the peak flow out of basin A and not the capacity of channel 2. Tables 4 and 5 were missing in the hydrology study included in Appendix J. The data in these tables present the actual capacity of the basins and channels.	Tables 4 and 5 of Appendix J	Completed